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The Solicitors' Journal

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Current Topics.

Law and Equity.

IN ONE of his papers Mr. AUGUSTINE BIRRELL tells us that in the old days before the fusion of law and equity the disappointed suitor coming away from a common law court would say, "If this is law, give me equity," while an equally unfortunate victim emerging from the precincts of the Court of Chancery would, with equal vehemence, ejaculate, "If this is equity, give me law." We have been reminded of this little story, which although put hypothetically has all the aspect of verisimilitude, by the reference in Sir W. S. HOLDSWORTH'S fascinating article, in the current issue of the *Harvard Law Review* on "Blackstone's Treatment of Equity," to a statement by Lord ELDON that on one occasion he heard Lord Chief Justice DE GREY say that "he never liked equity so well as when it was like law," and that on the previous day he had listened to Lord MANSFIELD declaring that "he never liked law so well as when it was like equity." Lord MANSFIELD was a pioneer in law reform, and his work in moulding our commercial law is one of his greatest achievements, but, as Sir W. S. HOLDSWORTH reminds us, he impressed upon the whole fabric of our law a liberal and progressive character which stood it in good stead in the changed age which was opening at the end of the eighteenth century. It is interesting to be reminded that Lord MANSFIELD would fain have seen a fusion of law and equity, but the times were not ripe for that consummation, and indeed, as is pointed out, the great Chief Justice scarcely appreciated the difficulties involved by reason of the vital differences in procedure and outlook of the exponents of the two systems. Fusion had to wait for nearly a century after Lord MANSFIELD'S day, and although the result thereby achieved is not daily observable in the work of the courts, every now and again a case occurs where the prevalence of the rules of equity in any conflict between them and the rules of the common law is demonstrated, a recent example being the decision of the Divisional Court in *Berry* v. *Berry* [1929] 2 K.B. 316.

The Agents (Deposit) Bill.

THE ABOVE Bill requires agents (which, by s. 3, includes solicitors) who receive capital money or securities exceeding in value £100 to give notice in writing of the fact to the owner forthwith, and afterwards every quarter so long as the money, etc., is in their custody and the owner does not waive his right to notice. On the question of client's money in the hands of solicitors, we may perhaps rest on our remarks at the end of the article published, *ante*, *p.* 578, until Mr. A. A. SOMERVILLE, who has presented the Bill, can bring it before the House of Commons for its second reading. If, however, Mr. SOMERVILLE who is an old schoolmaster, intends to bring it forward in its present state as a good exercise in Parliamentary drafting, we have a few words to say to him. Section 4 purports to repeal certain enactments in the schedule to the Bill. The first is s. 56 (1) of the Conveyancing Act, 1881, already repealed, L.P.A., 1925, s. 207 and 7th Sched. The second is the Trustee Act, 1893, s. 17 (1), already repealed, Trustee Act, 1925, s. 70 and 2nd Sched. The third is the Solicitors Act, 1888, s. 12, and the fourth is the whole of the Solicitors Act, 1919. The last two enactments concern disciplinary action in respect of solicitors, and there is nothing in the text of the Bill to replace them. Possibly it is a *réchauffé* of part of a more comprehensive measure presented between 1919 and 1925. If, however, one of Mr. SOMERVILLE'S Eton pupils had shown up an exercise with so many mistakes in it, we feel sure that he would have been "turned," and had a yellow ticket, and we venture to observe to Mr. SOMERVILLE that he has not learnt his new lesson of presenting a workable Bill properly, and should be set to do his work again.

The Law as to Spring Traps.

THE LETTER from a well-known member of the Bar, which appeared in *The Times* of 25th November on this subject, serves to show how the true intent of a section of a statute may be diverted by a series of judicial decisions given upon collateral points into which that true intent never comes in issue. The Ground Game Act of 1880, which was passed for the purpose of giving occupiers of land an inalienable right to kill hares and rabbits (by way of protecting their crops) also provides safeguards for the owner who retains the sporting rights in his own hands. One is provided by s. 6, which says that: "No person having a right of killing ground game under this Act or otherwise shall . . . for the purpose of killing ground game, employ spring traps except in rabbit holes." The writer of the letter to *The Times* suggests that the true intent of this section was to prevent the destruction of the landlord's pheasants and partridges, whereas the decisions that have been given under the section are all on the question whether it applies to the owner of the land and the sporting tenant as well as to the occupier. The courts have consistently held that as the other five sections of the Act applied to occupiers only, so too does s. 6. The result is, that as the law now stands, a farming-tenant's sheep and cattle may be injured by these traps set by the landlord's keepers, without any legal remedy being available to the farmer, and the instance cited by the writer, of a farmer's dairy cow getting one of these steel traps fixed upon her tongue "with disastrous results" should serve to illustrate the unsatisfactory state of the law.

A Proposed New Rabbit Bill.

APPARENTLY THE main object of the Ground Game Act, i.e., that of giving farmers the power of protecting their crops from damage by hordes of rabbits bred for sport has,

in some districts, at all events, failed in its purpose. A Bill has been introduced into Parliament "to make provision for the prevention of damage by rabbits," backed by members of all parties. It provides that if any person proves to the satisfaction of a county council, that by reason of the failure of an occupier of land within their area to restrict the number of rabbits on the land in his occupation, substantial damage is being caused or is likely to be caused to crops, trees, fences, or pasturage on land in the occupation of the complainant, the county council may serve on the offender a notice in writing requiring him to abate or prevent the damage within the time, not being less than twenty-one days, specified in the notice; and if an occupier upon whom such a notice is served fails to comply with the requirements thereof to the satisfaction of the county council, the county council are to have the right to enter upon the offender's land and take such steps as may be necessary to reduce the number of rabbits which are causing the damage complained of, and recover the cost of so doing as a civil debt. We are bound to say that we can see a prospect of considerable litigation arising out of this method of protecting a farmer from the depredations of rabbits from neighbouring farms or estates; and we should have thought that the existing law provided a sufficient remedy.

The Rights of Pedestrians.

RECENT CORRESPONDENCE in *The Times* has produced several suggestions on this subject, which, though not without considerable merit, have a touch of humour altogether their own. VISCOUNT CECIL OF CHELWOOD wants to have an examination for prospective motorists, and his lordship goes even so far as to commit himself to the statement that taxicabs are the safest vehicles on our roads and streets! The noble lord suggests apparently that every motorist should be required to prove that he is capable of the same expert behaviour as the average taxicab driver can show that he is possessed of. There are some amongst us who would regard the prospect of having only motorists of taxicab-driving quality on the road as a somewhat dubious privilege! Another ingenious suggestion for the safety of the public comes from a motorist who seems to think that no pedestrian ought to cross the road after dark without showing a red light! The privilege of having a red lamp on either side (for that would of course be essential) is one that the community can hardly be expected to take up with becoming composure. There is another view of the matter (not expressed however, in *The Times*) which is, that motorists should not be allowed to career at express speed with dazzling headlights at all, but should be kept in order by being compelled to stop at certain red-light places after dark at which pedestrians are invited to cross.

Mr. Tolley's Libel Action.

IN OUR comment on Mr. TOLLEY'S action on its hearing in the King's Bench Division last July ("An Alleged Chocolate Golfer," *ante*, p. 474), we ventured on the observation that he had "opened a very wide door." That door has now been closed by the decision of the majority of the Court of Appeal, over-ruling ACTON, J., who held that Messrs. FRY'S cartoon of this eminent golfer with a packet of their chocolate protruding from his pocket, and listening to his caddie's doggerel in praise of it, was capable of libellous interpretation. In this respect SCRUTTON, L.J., delivered a dissenting judgment agreeing with ACTON, J., but he considered there should be a new trial on the ground that the award of £1,000 damages by the jury was unreasonable. GREER, L.J., in his judgment cited *Dockrell* v. *Dougal* (1899), 80 L.T. 556, in which the plaintiff, a medical man, sued the defendants because, without his permission, they advertised that he prescribed and recommended their proprietary medicine called "Sallyco." His complaint was very similar in substance to that of Mr. TOLLEY, namely, that he would be considered as guilty of advertising contrary to the rules of his profession, but it was held that there was no libel. Similarly, the late Miss MARIE CORELLI in *Corelli* v. *Wall* [1906] 22 T.L.R. 532, failed to obtain an injunction against persons who were responsible for the hawking of certain postcards outside her house, depicting imaginary incidents in her life. That the line between libel and no libel is a fine one is evident from a case on the other side, *Dolby* v. *Newnes* (1887), 3 T.L.R. 393, in which damages were obtained by the plaintiff for a report of a certain speech in the defendant's paper *Tit-bits*, to the effect that CHARLES DICKENS had employed the plaintiff in America as a person "with unlimited capacity for eating and drinking, and with noble digestive powers"—and who therefore could relieve the great writer of some of the burden of the intensive hospitality thrust upon him. STEPHEN, J., held that the report was one possibly calculated to hold the plaintiff up to ridicule—and, of course, ridicule, hatred and contempt are alternative and not conjunctive bases for libel. Perhaps the conclusion may be drawn that, in a nation which professes a sense of humour, good-natured caricature may be regarded as a necessary penalty of fame, and, if Mr. RAMSAY MACDONALD, Mr. LLOYD GEORGE and Mr. BALDWIN must suffer pictures of themselves taking pills, whisky, chocolate or toffee, Mr. TOLLEY must summon up sufficient fortitude to bear the same burden.

The Loss of Luggage from Motor-Coaches.

THE INCREASED use of the motor-coach for long journeys must have led to the expectation that, sooner or later, a case on the liability for the loss of luggage from one of them would arise, and now one is reported from Greenwich County Court, before Judge DRUCQUER. A lady sued for the value of her suit-case and contents, which, it was alleged, had disappeared from the roof of the coach. The proprietors' defence was a denial of negligence, and a special condition on the back of the ticket issued to the plaintiff, to the effect that "the proprietors accept no liability for loss in consequence of mechanical breakdown or any other cause." They also relied on a notice in the agent's office. The judge decided in favour of the plaintiff, ruling that "if you want to make a passenger liable, you must bring to his notice the condition on the back of the tickets." Assuming, however, that the condition bound the passenger, he held that it was not sufficiently explicit to cover the loss of luggage, and he further found that the other notice *primâ facie* referred to the agents in whose office it was placed, and that there was nothing to connect it with the defendants. As to the condition endorsed on the ticket, *Henderson* v. *Stevenson* (1875), 2 L.R. Sc. & Div., 470, is authority that endorsement on a ticket alone is not sufficient to bind a passenger who only looks at the face of the ticket, and the general principle is discussed in *Hood* v. *Anchor Line* [1918] A.C. 837, in which it is laid down that a company must take all reasonable steps to bring conditions to the notice of passengers if the latter are to be bound by them. In this case, the ticket was handed over to the plaintiff's messenger in an envelope, on the face of which was a notice requesting the passenger to read the conditions, and it was held that the company had fulfilled their obligations in such respect. In the older case of *Parker* v. *S. E. R.*, (1877) 2 C.P.D. 416, the plaintiff admitted that he knew there was printed matter on the ticket, and BRAMWELL, L.J., held that he was bound by it, though MELLISH and BAGGALLEY, L.JJ., in ordering a new trial for misdirection, appeared to consider the point one for the jury. In stating that the general law as to luggage on motor-coaches was simply the common law applicable to stage-coaches, counsel for the plaintiff laid down an interesting proposition, which is probably correct. On that basis, in the absence of contract otherwise, motor-coach proprietors as common carriers insure passengers against loss of luggage, and do so because the proprietors of stage-coaches used so often to be in league with footpads and highwaymen.

The Howard League.

THE HOWARD LEAGUE for Penal Reform is an example of what can be done, without large funds, by quiet, determined people who see clearly what they intend to stand for and are indifferent to uninformed criticism. Time was when the common opinion of the League was that it must be a society of faddists with Utopian ideas, a subject rather of tolerant amusement than of serious concern. To-day it is recognised by almost everybody who knows anything about it as a League with high, but by no means impossible, ideals; run by men and women who make it their business to seek advice and information from those best qualified to give it; ready to drop what turns out to be impracticable rather than adhere obstinately to preconceived ideas; and welcoming any amount of criticism so long as it is constructive and not ill-natured. The Annual Report for 1928-29, which has just been issued, bears out much of what we have said. The League is largely responsible for the fact that a wide extension of the Poor Prisoners' Defence system seems imminent. A conference on the subject, convened by the League, met under the chairmanship of Mr. Justice MACNAGHTEN and was addressed by Lord ATKIN, Judge STURGES, K.C., Sir WALTER GREAVES LORD, K.C., and others whose names were a sufficient guarantee that the conference would be conducted on sound lines. Many other matters have been persistently and successfully tackled by the League, whose activities are now not merely national, but international.

Dentistry and Beauty Culture.

DENTISTRY IS defined as the performance of any dental operation or the giving of any dental attendance, treatment or advice as is usually performed by a dentist; and s. 1, sub-s. (1) of the Dentists Act, 1921, provides that no person shall, unless he is registered under the Dentists Act, 1878, practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise dentistry. Despite the terms of this enactment, of which he was admittedly unaware, an ambitious hairdresser, anxious to augment the amenities of his saloon, recently exhibited in his establishment a notice to the effect that he cleaned and scaled teeth. His charge was 2s. 6d. A prosecution by the Dental Board of the United Kingdom followed and was heard at Bow-street Police Court on the 18th November. The accused endeavoured to justify his invasion of the dental realms by explaining that his services were limited to cleaning his customers' teeth with a match stick and peroxide; and he contended that such treatment was not dentistry but in the nature of beauty culture. The magistrate was of opinion that the hairdresser had contravened the terms of the Statute of 1921, by holding himself out as being prepared to practise dentistry, but dismissed the summons on payment of £3 3s. costs. Elementary as may have been the present attempt to practise dentistry, the justification of the Dental Board's action to suppress it is sufficiently evident from the plea that it was "in the nature of beauty culture." To admit such a contention would of course be paramount to including the manufacture and fitting of false teeth as a measure of beauty culture. Indeed, it would be practically impossible to draw the line anywhere, since it can generally be truthfully said, that any attention given to a bad set of teeth, natural or false, must tend to enhance the appearance of the owner, and so fall within the province of beauty culture. In the interests of public safety, too, the Board's prosecution is laudable, inasmuch as, according to evidence in this case, the removal of tartar on the teeth by scaling is a difficult matter which requires special instruments carefully handled. It is not necessary to enlarge on the possible evil results which might attend the dabbling of an amateur in dental matters, though perhaps, little danger lies that way since few would be foolish enough to risk the consequences.

Criminal Law and Police Court Practice.

EXTRACTING CONFESSIONS BY MACHINERY.—America is often credited with an admirable faculty of trying out bold experiments which other countries are too timid or too conservative to entertain. The latest from Seattle, a lie detector for use in dealing with criminals, does not, however, commend itself. A prosecuting attorney, says the New York correspondent of a London journal, stated in court that he had used this device for eight-hour sessions over a period of more than a week, and had eventually obtained a confession of murder from the accused man. The method seems to be to inject a drug into the suspect, and then, using a blood-pressure machine, to test his jumpiness when under cross-examination on the subject of the crime. From an English point of view the scheme is unthinkable. The injection would be in itself an illegal assault unless the accused consented to it; so would the application of the blood-pressure registering machine; and the process of close and prolonged questioning with a view to induce admissions of guilt would render the admissions inadmissible in evidence. It is not surprising to read that the prisoner in this very case has repudiated the confession and asserted that it was obtained by torture. It sounds only too much like a refined form of mental torture. The idea of a lie detector for witnesses and suspects is not quite novel. This country has already heard of the psycho-galvanometer—an electrical contrivance which is supposed to register the feeling of guilt that immediately follows the telling of a lie, or the alarm of the criminal when investigation comes dangerously near to discovery. The possibilities of such a device are not entirely negligible, but it is certainly of little or no practical value as yet; for it does not seem to be disputed that an innocent person who feels that the case is becoming black against him may react just as strongly to the psycho-galvanometer's sensitiveness as the really guilty man. Indeed, a guilty man with more than his share of self-control and confidence in his luck might come through the ordeal rather better than a highly nervous man of a despondent nature who fears that no one will ever believe him.

DE MINIMUS.—That a zealous tradesman's assistant should try to entice customers into the shop and even obstruct them momentarily, might seem to be one of those trifles with which the law does not concern itself; yet a man was fined last week at Bow-street Police Court for such an offence. Police officers alleged that the defendant stopped eight people in a quarter of an hour. This does not sound much, but a little reflection shows that the learned magistrate's decision was sound; for, as he observed, if every tradesman adopted this method the streets of London would become impassable. As it was, according to the evidence, some people had to walk into the roadway.

It is always wise to pause before describing an offence as unworthy of notice. A small obstruction, or the deposit of a little litter, is by itself trivial, but if once it is taken for granted that such things are overlooked, the nuisance spreads. There are one or two streets in London where touting outside shops has become a real inconvenience to the public and has had to be visited with heavy fines. It is not as though such obstruction were unavoidable; it is unnecessary and objectionable. Some forms of obstruction are necessary incidents of business activity; travellers must be given a little latitude in order to deal with customers, and vans must be allowed to load and unload. In the neighbourhood of markets, passers-by have to endure obstructions that they would describe as intolerable, did they not pause to remember that trade could not go on unless they were tolerated. Touting is in a totally different category.

Mr. MICHAEL DORGAN, solicitor, has been elected President of the Cork Chamber of Commerce for the ensuing year.

Justice for Rich and Poor.

In one of Mr. A. P. Herbert's "Misleading Cases" a judge blandly makes an observation to the effect that the quality of justice, like the quality of anything else, depends on the payment made for it. Mr. Herbert, like other eminent satirists, hits where it hurts; no one wishes to admit his proposition, but it is impossible to deny it altogether. Starting from the obvious fact that the more skilful counsel is the more likely he is to win his cases, and the equally obvious one that the higher skill commands the greater fee, the irresistible deduction follows that money gives a litigant advantage. In our present imperfect world that advantage cannot perhaps be entirely destroyed, but, with care and vigilance, it can be very largely neutralised. The matter was considered generally (except in respect of poor persons' cases in the High Court, the procedure of which had been recently revised) by a committee, of which Finlay, J., was chairman, appointed in 1925, and the final report of which was published early last year, dealing with civil cases. An interim report, dated 29th March, 1926, dealt with criminal cases, and, as pointed out by Sir J. Withers in debate, the main recommendations contained in it are embodied in the Poor Prisoners Defence Bill, presented by Mr. Turton, a private member, to which the House of Commons gave a second reading last month with very little dissent. The principle of the bill, to furnish adequate legal aid for poor prisoners, is, of course, no novelty in our law, for an Act of 1903 makes express provision to this end. By that Act "committing justices," or a judge of a court of assize, or chairman of a court of quarter sessions, may certify for aid "having regard to the nature of the defence set up by any poor prisoner." The committee found that, in a small percentage of exceptional cases, the obligation to reveal the defence at the early stage might handicap a prisoner, and the Bill accordingly gives committing magistrates or judges power to certify for legal aid "if, having regard to all the circumstances, it is desirable in the interest of justice." This power of certification for legal aid has hitherto been exercisable only in respect of indictable offences on committal, but s. 2 of the Bill provides for legal aid certificates in cases before magistrates "where by reason of the gravity of the charge or of exceptional circumstances it is desirable in the interest of justice."

On the general question as to the handicap of poverty to a prisoner, the committee's finding was reassuring. "The evidence submitted," they state (para. 9) "has satisfied us that, while improvements may be made, the system as it stands is not in any serious respect unsatisfactory. We do not think that there is any ground for supposing that in an appreciable number of cases a miscarriage of justice results from the fact that a prisoner is undefended. We asked numerous witnesses who appeared before us whether they knew in their own experience of cases where a person really innocent had been convicted through lack of legal aid. Very few cases were given to us and none were substantiated. This does not of course prove that such cases do not exist, but, having regard to the large experience of the witnesses called before us, it does, we think, decisively prove that such cases are very few in number." The lack of skilled defence, in fact, is discounted in the natural and proper way by magistrates who, so far as possible, throw on the prosecution the burden which a skilled defence would place with it. And judges no doubt similarly supplement such lack of skill as may result from inexperience in a barrister appearing gratuitously or for a small fee and conducting his case against a learned brother accustomed to the task of prosecution. If the truth were known, skilled advocacy is probably much more often responsible for the escape of the guilty than for the conviction of the innocent. Thus it may be true that the rich offender has a better chance of evading his punishment than a poor one. The proper remedy for that inequality, however, is certainly not to give guilty persons who happen to be poor a better chance of escaping justice. To sum up, at present, so far as the criminal law is concerned, there is little wrong with our system, and if the Bill is passed after proper consideration, there will be less.

In respect of civil cases, the Commission considered the proposition of legal institutions to which the poor could have recourse on the analogy of hospitals, and rejected it, observing that "although it is manifestly in the interest of a State that the citizens should be healthy, it is not so that they should be litigious." There are in fact a number of legal aid societies, and few indeed must be the barristers and solicitors who have never directly or indirectly given voluntary aid to the needy. And, whether the practice so lucratively followed by Messrs. Dodson & Fogg, of taking up cases "on spec" is reprehensible or otherwise, there is no doubt that a poor man who has any reasonable claim for damages, or to recover property, can obtain professional assistance without much difficulty. The difficulty is really to exclude from this kind of work a certain proportion of firms, happily a small one, who place their interest in obtaining costs before that of their clients. The Commission, in fact, though invited to suggest changes, does not do so, contenting themselves with an appeal to both branches of the profession to strengthen and develop the system of poor men's lawyers.

The Commission's attention was not specifically called to the divorce laws, but, if there is an English legal scandal, it is that the well-to-do who know how to proceed about it, and do not too openly take their legal advisers into their confidence, can obtain divorce by mutual consent, whereas poor persons, especially poor women, cannot obtain it where there is just cause, because they cannot afford the expense of private spies to trace down and convict their spouses of adultery. This could largely be remedied by granting divorce for desertion, and placing more obstacles on easy divorce for adultery, but the matter is so controversial that, for the twenty years since the report of the Royal Commission on Divorce, every Government without exception, Conservative, Liberal, and Labour, has shirked it.

The rich man makes his bets, in accordance with the law, with a credit bookmaker, the poor man illegally, by the furtive handing of a "slip" to a street professional or his "runner." Easy and open betting by those who can afford to lose money, and difficulties placed in the way of those who cannot, may mark a certain specious benevolence in the law, but it is unfair in the extreme to policemen, who have to suppress a practice which neither they nor the public generally regard as criminal. And here again, moral cowardice in the Legislature has prevented reform. If the twenty-mile speed limit is abolished, the law against street betting will take its place as that most universally flouted.

Whatever is done to equalise the law between rich and poor, the basic fact must remain that large classes of offences, such as petty theft, are for all practical purposes committed by the poor only, and a man accused of picking pockets and who appears in the dock starved and badly clothed will be, and inevitably must be, regarded as more likely to be guilty than a more prosperous looking prisoner. The proper remedy for that natural prejudice is the one we adopt, namely, the requirement of strict proof of the offence. A rich man convicted of crime can always afford to appeal, which may give him some better chance of escape than a poor one. This advantage, however, is also largely offset by the fact that the Court of Criminal Appeal has power to increase a sentence, a risk which an appellant with no merits has therefore to run.

Sir Archibald Buchan Hepburn, fourth Bt., B.A., D.L., J.P., of Smeaton Hepburn, Prestonkirk, East Lothian, barrister-at law, chairman of the Haddingtonshire County Council, the owner of a collection of relics of Mary, Queen of Scots, died on 17th May, aged seventy-seven, leaving, in addition to real estate and settled property of considerable value, unsettled personal estate valued for probate at £83,212, of which the personal estate in Great Britain amounts to £76,527.

The Musical Copyright Bill.

THE equities between authors, composers and inventors, whose rights can only be protected artificially by statute on the one hand, and the public on the other, need very careful adjustment. It seems to be reasonably obvious from the criticisms directed to the above Bill, introduced by Mr. ADAMSON, and to which the House of Commons gave a second reading last month, that those equities are very largely disregarded in the somewhat remarkable provision contained in its third section. Briefly, this confers on any person who purchases a copy of a piece of music, whether oratorio, cantata, musical comedy, song, dance, or any other composition, all performing rights in it for the rest of his life for the sum of twopence, presumably to be shared by the author, composer and publisher. Mr. BERNARD SHAW, in a letter to *The Times*, states that "intending to make a great rhetorical effort to arouse the public conscience through your columns against this Bill" he finds himself "defeated by the enormity of its silliness."

A glance at the history of musical copyright may be useful in considering the problems giving rise to these proposals. The right to exact royalties for the performances of plays was conferred on their authors in 1833 by the Act 3 & 4 Wm. IV, c. 15, and was extended to the performance of musical compositions by s. 20 of the Copyright Act, 1842. As to written or printed music, it was laid down by Lord MANSFIELD in *Bach* v. *Longman* (1777), 2 Cowp. 623 (the plaintiff being the famous composer), that a written or printed musical composition was a "writing" within the Copyright Act of Queen Anne, and so, of course, protected as copyright by that statute and those which succeeded it. Musical piracy was, however, so prevalent and so profitable about thirty years ago that a special Act had to be passed against it in 1902, and another in 1906. The Copyright Act of 1911 gave more adequate protection to authors and composers than the previous law, and incorporated the provisions framed at the International Convention on Copyright at Berne in 1908. By s. 1 (2) of the Act, the performing right protected by it is that of performance "in public," a provision which, in effect, extended the previous protection, and has been literally construed in the courts. As to its scope, reference may be made to the well-known *Embassy Club Case, Harms, &c.* v. *Martans Club, Ltd.* [1927] 1 Ch. 526, in which the Court of Appeal held that a performance of copyright music at the club was "in public" within the Act. In *Messager* v. *B.B.C., Ltd.* [1927] 2 K.B. 543, MCCARDIE, J., held that broadcasting was performing in public within the Act. His actual decision was subsequently reversed, [1928] 1 K.B. 660, and [1929] A.C. 151, but on another point.

The wide protection given to composers by such decisions, and the activities of the Performing Rights Society, an organisation in something of the nature of a trade union of composers, authors and publishers of music, appear in certain cases to have caused hardship, which the authors of the Bill seek to remove by a provision equivalent to requiring inventors to grant licences for the use and manufacture of the products of perhaps the best part of a lifetime for twopenny royalties. The general verdict must be that a Bill which goes so far ought not to have been given a second reading at all. Nevertheless, certain grievances are possible under the present law, and, in debate, Mr. MATTERS mentioned a "pounce" by the society in connexion with a social meeting of his party, on which it required and obtained £4 17s. 6d. for a performance "in public" of copyright music where the admission fees at sixpence a head amounted to 15s. 6d. A reasonable adjustment between the composer and the public appears to be indicated, extending the rights of the latter without smashing those of the former, as the Bill would do if passed in its present or any like form. To this end, an extension of s. 4 of the Act of 1911 may be suggested, requiring compulsory licence in the lifetime of a composer at a reasonable rate, if good cause is shown. It would then be analogous to s. 24 of the Patents Act, 1907, but at present s. 4 only operates after the death of a composer.

Further comment was made on s. 1 of the Bill, requiring notice to be printed on music if performing rights are reserved, that it violates the Berne Convention (see Article 11). Obviously it would be wrong to pass legislation against international agreement. A very considerable number of amendments to this Convention were made in Rome last year, but they do not bear on the point at issue, and have not yet been formally incorporated into our law.

The Farnham Knickers Case.

THE curious provisions of the will and codicils of the Rev. JOHN GWYON, the eccentric rector of Bisley, who died about a year ago, were referred to by us in a note in THE SOLICITORS' JOURNAL of 30th April last. They have now had to pass the gauntlet of a summons in the Chancery Division to determine their validity, and after a keen struggle have failed to do so, as we anticipated. It may be remembered that the testator devoted the whole of his residuary estate, which amounted to some £7,000, to the establishment of a trust to be called "Gwyon's Foundation for Clothing Boys." The income was to be expended upon the purchase of knickers for all the boys of Farnham and district between the ages of ten and fifteen who chose to apply for them. No preference was indicated for boys of any particular class, and no test of poverty or creed was imposed. The only boys expressly excluded from the trust were (1) those whose parents were in receipt of poor relief, (2) those maintained in or by charitable institutions, (3) black boys, and (4) applicants for a second pair of knickers who could not produce their previous year's pair with its label bearing the founder's name intact. By his will and five codicils the testator set forth a minute code of regulations as to the design and tailoring and distribution of the knickers. He knew that by some Acts of Parliament the word "men" is to be deemed to include women, and therefore inserted a special clause to the effect that "boys" were not to include "girls." In many charity cases the testator has left his intentions too vague to be carried into effect exactly, and the court has had recourse to the *cy-près* doctrine and directed a scheme to be settled. But nothing could be too exact for Mr. GWYON; he foresaw this possibility and expressly excluded it by declaring that not even a grave national distress or emergency should be used as an excuse for diverting money from his pet objects, and that his foundation should never be merged in any other trust or foundation. It is obvious from these extracts from his dispositions that the testator was not actuated by any real charitable motives, but merely by a desire, if possible, to have his name perpetuated by a kind of monumental fad. The fact that the poorer people of the district might be expected to get most of any advantage there was in the scheme was not sufficient, taken by itself, to make it a charity, for there was nothing to make the children of the more wealthy ineligible. It was strenuously argued that the trust was charitable as being for the benefit of a certain class of the inhabitants of a particular locality, and reliance was placed on *Goodman* v. *Mayor of Saltash*, 7 App. Cas. 633; *In re Allen* [1905] 2 Ch. 400; *In re Mellody* [1918] 1 Ch. 228, and other cases, but EVE, J., distinguished these cases by observing that a trust which was not a charitable trust could not be turned into one by limiting the area in which it was to operate, though such limitation might render an uncertain bequest effective. This distinction makes the decision of some importance, but it suggests some doubt whether the second ground of the learned judge's own decision in *In re Mellody, supra*, is a sound one. The difference between a trust for the benefit of the "boys of Farnham" and one for that of the "school-children of Turton" is a little difficult to define,

but the gift in the latter case might be considered to be for an educational purpose, coming under class 2 of the well known enumeration of charities by Lord MACNAGHTEN in *Pemsil's Case* [1891] A.C. 531, and on that ground the decision would be correct. The Treasury having come into a very considerable windfall as the result of this case, it would be a gracious act of the Lords Commissioners to send a subscription to any established and deserving clothing charity, if such there be, in the Farnham district.

Company Law and Practice.

VI.

THE Greene Committee made certain recommendations with regard to voluntary winding up which have been embodied in the Companies Act, 1929, and which need to be carefully studied. That committee commented on the anomalous position which prevailed in a voluntary winding up where the company was insolvent, and pointed out that in such cases many matters were left to the shareholders, who would have no real interest in the winding up except in so far as their shares might not be fully paid. The committee was of the opinion that, where in a voluntary liquidation the company is unable to pay its debts, the powers of the shareholders should be transferred to the creditors.

As a result of these recommendations there are now two forms of voluntary winding up, which are known as members' voluntary winding up and creditors' voluntary winding up. Very many of the incidents of these two forms are different, but the cardinal point that must be remembered (and it is almost in the nature of a trap for the unwary) is that if a company merely passes a resolution for voluntary winding up, without observing certain preliminaries, the winding up that ensues will be a creditors' winding up, with the virtual control in the hands of the creditors : a course usually most undesirable in the case of a solvent company. The necessary preliminary to be observed in order to ensure a members' voluntary winding up is laid down in s. 230 of the Companies Act, 1929, which provides that where it is proposed to wind up a company voluntarily, the directors, or, where there are more than two, the majority, may, at a meeting of directors held before the date on which notices of the meeting at which the resolution for the winding up is to be proposed are sent out, make a statutory declaration to the effect that they have made full inquiry into the affairs of the company, and that, having so done, they have formed the opinion that the company will be able to pay its debts in full within a period not exceeding twelve months from the commencement of the winding up. This statutory declaration will be ineffective unless filed before the date on which the notices are sent out (s. 230 (2)).

Unless this statutory declaration is made and filed before the date on which the notices of the meeting at which the winding up resolution is to be proposed, are sent out, the winding up will be a creditors' winding up, with the consequences set out below (s. 230 (3)).

The special provisions of the Act which apply to a creditors' winding up appear in ss. 238 to 245. The company must summon a creditors' meeting for the day, or the day after the day, on which the resolution for voluntary winding up is to be proposed, and notices of it must be sent by post to the creditors simultaneously with the sending of the notices of the company meeting : it must also be advertised in the *London Gazette*, and in two local newspapers. A director must preside at the creditors' meeting, and there must be laid before it a full statement of the company's affairs, together with a list of creditors and the estimated amount of their claims (s. 238).

It has evidently been realised that there may not be much competition amongst the directors of the company for the post of presiding at a creditors' meeting, because a default fine of £100 can be imposed on the directors if they do not appoint one of themselves to preside at the meeting, also on a director so appointed who does not attend the meeting and preside thereat (s. 238 (6)).

The creditors and the company at their meetings may nominate liquidators, but if the nominations are of different persons the creditors' nomination is to prevail, though there is given a power to apply to the court in such a case (s. 239). The remaining provisions may very briefly be summarised by saying that the creditors may appoint a committee of inspection, and that annual (if necessary) and final meetings of both the company and the creditors must be called by the liquidator.

What the position will be where a resolution for voluntary winding up is passed in the usual way, under the law as it was before 1st November (which during the period of absorption by the profession of the new law appears to be almost inevitable) is not absolutely clear. Under s. 230 (3) this operation, as no statutory declaration will have been filed, must have resulted in a creditors' voluntary winding up ; but as, in a creditors' voluntary winding up, the company is bound to call a creditors' meeting to be held on the same day as, or the next day after, the meeting of the Company, it is obvious that this provision will not have been complied with, and that, even if the winding up be valid, the company will be liable to penalties. In view of the wording of s. 239, it seems clear that in such a case the creditors will also have lost their right to nominate a liquidator, though not to appoint a committee of inspection under s. 240. The true view appears to be that the creditors' winding up in such a case may proceed in a normal way, though the creditors have lost their right to nominate a liquidator ; the company's nominee being the liquidator in that event, as provided by s. 239. The company and its officers and directors will have incurred liabilities to considerable penalties (s. 238 (6)), though this hardly need cause the individuals so liable sleepless nights : but the liquidation may apparently go on, care being taken to observe the provisions of ss. 240 to 245, and in particular s. 245, which deals with the final meetings.

(*To be continued.*)

A Conveyancer's Diary.

Land made subject to Trust for Sale treated as Personalty.

This week I propose to advert to the letter of Mr. H. Arnold Woolley to which reference was made in "A Conveyancer's Diary" for the 9th November.

Mr. Woolley wrote regarding the practice which he says obtains in the Estate Duty Office of treating as personalty land which has been made subject to a trust for sale, although the effect may be of depriving a successor, under a settlement containing such a trust, of the benefit of paying the estate duty, payable on the death of a tenant for life, by instalments, and, in some instances, of the relief afforded in cases of "quick successions."

Thus, in the case which Mr. Woolley supposes, A settles land by will upon trust for sale, with power to postpone conversion indefinitely, upon B for life and then upon C. A dies before 1926 and B after 1925, the realty being still unconverted. C elects to take and retain the property *in specie*. In fact, therefore, there is no conversion and the property to which C succeeds under the settlement is, and remains in fact, realty.

By s. 6 (8) of the Finance Act, 1894, it is provided that duty due upon an account of real property may, at the option of the person delivering the account, be paid by eight equal quarterly instalments or sixteen half-yearly instalments, with interest from the date at which the first instalment is due.

Now, in the first place, it may be observed that in the Act of 1894 there is not any definition of "real property," although

under s. 22 (1) (*f*) "the expression 'property' includes real property and personal property and the proceeds of sale thereof respectively," which is not very helpful.

The question really is whether, for fiscal purposes, the equitable doctrine of conversion is generally to be applied or not. In the absence of statutory provisions to the contrary, I am afraid that it must.

The point raised by Mr. Woolley seems to me to have been decided in *A.-G.* v. *Dodd* [1894] 2 Q.B. 150.

In that case the facts were that in 1885 by a voluntary settlement A conveyed certain real estate to trustees on trust that they should on the request of A and his wife, or the survivor of them, and after the decease of the survivor, at their own discretion, sell such real estate and stand possessed of the proceeds in trust for A for life, and after his death on certain trusts therein declared, and on failure of those trusts in trust for A, his executors, administrators and assigns. A died in 1887 without any such request having been made and the real estate remained unsold. It was held that the property was liable for duty as personalty under s. 38 of the Customs and Inland Revenue Act, 1881.

In the course of his judgment Mathew, J., said (at p. 156): "For all purposes, land converted into money is to be treated as money, either for the purpose of a settlement or for fiscal purposes, because equity and now law following equity, regards the land as money." The learned judge relied chiefly upon the earlier cases of *In the Goods of Gunn*, 9 P.D. 242, and *A.-G.* v. *Marquis of Ailesbury*, 12 App. Cas. 672. The notional conversion in equity must therefore, I think, be considered as taking effect for all purposes and certainly for fiscal purposes, with the result that, in the case supposed, the property in question must be regarded as personalty and not realty.

The practice of the Estate Duty Office would appear, therefore, to be right.

It may be said that it is necessary to look at the reason for the provisions as to the payment of estate duty by instalments, contained in s. 6 (8) of the Finance Act, 1894. No doubt that is so, and no doubt also the same reasons obtain where a successor elects to take land notionally converted as land (that is, to re-convert it), as where land has been devised directly without being made subject to a trust or conversion. But it seems to me that the authorities to which I have referred are too strong to allow of weight being given to such considerations. In *A.-G.* v. *Dodd* the result was that land which in fact remained land became subject to a duty which it would not have had to bear at all but for the notional conversion into personalty. The hardship there was greater than in the case which I am now considering. I think that my view of the matter is supported by the recent case of *Re Kempthorne* discussed in these columns in the issue for 2nd November. From that case it appears that a notional conversion must be considered as turning land into money for all purposes, even for purposes of the construction of a will, and although the conversion is effected by statute of the effect of which the testator may be ignorant.

Mr. Woolley rather rubs it in by pointing out that under s. 25 (4) of the L.P.A., 1925, where a disposition or settlement coming into operation after the commencement of that Act contains a trust either to retain or sell land, the same shall be construed as a trust to sell the land with power to postpone the sale. Therefore, he says, that where there is an independent trust to retain the effect is the same as though there were only a power to postpone, and consequently the practice of the Estate Duty Office would apply, even though the land were retained under an express power.

Whilst appreciating Mr. Woolley's point, I think that the only logical conclusion to be drawn from the authorities is that in such cases the practice of the Estate Duty Office would be right, unjust though it may seem. The question of the difference in the effect of a power to postpone a sale and a power to retain, was raised by the Public Trustee in his letter which appeared in THE SOLICITORS' JOURNAL for the 26th October, p. 710, and was discussed in that and later issues. In fact it is to that letter and the comments which I made upon it, that the editor is indebted to Mr. Woolley for his letter.

It certainly does seem unfair and really absurd that one successor to land should, for fiscal purposes, be treated differently and be subject to less advantageous terms with regard to the payment of estate duty, simply because the land to which he succeeds has been made subject to a trust for sale which is notional merely, and has ceased to be effective.

I suggest that the Estate Duty Office might well agree to accept payment of the duty by instalments where, on the death of a tenant for life, the successor to realty subject to a trust for sale elects to re-convert. The revenue would not thereby be deprived of anything. I doubt, however, whether there is any power in the Estate Duty Office to make such a concession so as to treat notionally converted realty as remaining realty for the purposes of s. 15 of the Finance Act, 1914, which reduces the amount payable to the revenue in cases of "quick successions."

The result of the whole matter, as I look at it, really is that the doctrine of conversion has been extended beyond all reasonable limits and made to apply in wholly unlooked for conditions. Especially, as it seems to me, when the expression "real property," "real estate," or even "land" occurs in a statute the natural and ordinary meaning should (in the absence of provision to the contrary) be given to it and not some purely artificial interpretation depending upon an imaginary operation which may not even be legally enforceable. But I am afraid that Mr. Woolley and I (and many others, of course) are crying in the wilderness.

Landlord and Tenant Notebook.

Arrears of Rent on Execution.

The Landlord and Tenant Act, 1709, s. 1, which gives a landlord the right to be paid up to a year's arrears of rent when execution is levied on his tenant's property, was not passed to settle the question of priority between creditors, but, as was pointed out by Tindal, C.J., in *Taylor* v. *Lanyon* (1830), 6 Bing. 536, at p. 544, to prevent collusion with creditors by which means the tenant might defeat the landlord's claim. It is, in fact, one of three enactments passed within a period of twenty-six years, each of which refers, in the heading, to "Frauds (committed) by Tenants."

The rights and duties created by the section are somewhat clumsily defined; the subject of the main clause is "goods or chattels," which are "not to be liable to be taken by virtue of any execution . . . unless the party at whose suit the said execution is sued out . . . shall before the removal of such goods . . . pay to the landlord of the said premises, etc.," the rest of the subordinate clause fixes the amount, and then at the end, following a semi-colon, come the words "the sheriff or other officer is hereby empowered and required to levy and pay to the plaintiff not previously so described . . . as well the money so paid for rent, as the execution money."

In its anxiety to prevent "Frauds committed by Tenants," Parliament omitted to anticipate difficulties which might arise between landlord and sheriff if the one were ignorant of the execution and/or the other of any claim for rent. It is not surprising then, that the question of knowledge on the part of the sheriff soon came before the courts; and in *Waring* v. *Dewberry* (1718), 1 Stra. 97, it was ruled that no duty arose until the landlord had *informed* the sheriff of his claim. So the matter remained for over a century; in *Smith* v. *Russell* (1811), 3 Taunt. 400, it was said that the sheriff was under no duty to seek the landlord; but the decision in *Andrews* v.

Dixon (1820), 3 B. & Ald. 645, which governs the position to-day, interprets the section rather more favourably for the landlord.

In that case the sheriff had removed goods somewhat hastily and had conducted a sale under circumstances amounting almost to secrecy. The court ruled that no specific notice was required by the statute, and left it for the jury to say whether the sheriff had been *aware* of the landlord's claim.

The effect of the last words of the section is to direct the sheriff to levy two separate executions, and this duty and consequently the landlord's rights are not affected by the provisions of the Bankruptcy and Companies Acts. The sheriff, on receiving notice of the tenant's bankruptcy, must retain rent from the trustee: *Re Craig & Sons, ex parte Hinchliffe* [1916] 2 K.B. 497; and if leave be given to proceed with an execution against a company in liquidation, he must do the same as regards the liquidator: *Re British Salicylates Ltd.* [1919] 2 Ch. 155.

Full effect is given to the words "before the removal"; the landlord has no claim against the sheriff as long as goods seized remain on the premises: *White* v. *Binstead* (1853), 13 C.B. 304. Conversely, in the matter of knowledge, the sheriff is liable if he receives notice before sale, though after removal: *Arnitt* v. *Garnett* (1820), 3 B. & Ald. 440. And execution means lawful execution, if the goods of a third party be seized by the sheriff, the landlord has no claim under the statute: *White* v. *Binstead*, *supra*.

Two remedies are available to a landlord who has a claim under the section. He can sue the sheriff in an ordinary action for damages; as was pointed out in *Thomas* v. *Mirehouse* (1887), 19 Q.B.D. 563: if the sheriff can not obtain the rent from the execution creditor, it is his duty either to quit or to pay the amount himself. Consequently, the action is not for money had and received (*Green* v. *Austin* (1812), 3 Camp. 259), and the measure of damages is *primâ facie* the amount of rent owing; but it is open to the defendant to show that the articles removed were in fact worth less than that amount, allowing for the circumstance that it is their value to the landlord that matters: *Thomas* v. *Mirehouse*, *supra*. Alternatively, the landlord can move the court, if a sale has been effected, that its officer be ordered to pay him out of the proceeds: *Yates* v. *Ratledge* (1860), 5 H. & N. 249; *Re Mackenzie* [1899] 2 Q.B. 566, C.A., at p. 576. This may be a quicker way of obtaining satisfaction when a sale has taken place. Costs incurred before the sheriff had notice of the landlord's claim may be ordered to be deducted: *Henchett* v. *Kimpson* (1762), 2 Wills., 140.

The above does not apply in its entirety to execution on judgments obtained in county courts, when the position (including the procedure) is somewhat different, and is governed by the County Courts Act, 1888, s. 160.

Our County Court Letter.

THE POWERS OF THE POLICE.

THE above subject has been considered from different aspects in three recent cases. In *O'Sullivan* v. *Tydeman and Others*, at Brighton County Court, the plaintiff claimed £100 as damages for assault and false imprisonment, also for breach of contract. The plaintiff was an undischarged bankrupt, and had been the tenant of a room at the defendant's house, from which he had been forcibly evicted by a sergeant and a constable, acting upon the instructions of the defendants. The plaintiff had been liberated on arrival in the street, but he alleged that he was immediately again assaulted by the officers, taken into custody, charged with drunkenness, and placed in a cell. After being deprived of his liberty from 3 p.m. until 11 a.m., however, he was acquitted by the magistrates next morning. The defendant's case was that the police had prevented the plaintiff from striking the landlord and his wife with a stick, and that the plaintiff was not forcibly ejected from the house, but had merely been "headed" out. His Honour Judge Sir William Cann observed that he had heard evidence which had not been called before the magistrates, and he gave judgment for the defendants with costs.

A case on the other side of the line was *Moll* v. *Goodfellow and Another*, at Newcastle County Court, in which the plaintiff claimed £100 as damages for unlawful trespass, unlawful interrogation, and unlawful search of her house. The plaintiff had taken a house at Whitley Bay, for use as a boarding house in the summer and as a nursing home in the winter, and was doing her own papering and decorating. Having worked late on one occasion, she had slept in the house, but was awakened by loud knocking, and on opening the door in her dressing gown she was confronted by two bull's-eye lanterns. The first defendant, a sergeant in the Northumberland County Constabulary, subjected her to an inquisition as to how she came to be there, who paid the rent, and whether she had a man in the house. The house was then searched without the plaintiff's permission, and the defendants ultimately went away without apologising. The defendants' case was that the house appeared to be empty, as there was a notice board outside marked "To Let," but the front door was slightly open, and complaints had been received (two nights previously) of a man entering the back of the premises in a suspicious manner. The defendants had deemed it a "manly" thing to search the house in order to satisfy the plaintiff, who seemed upset by the incident, although there was not the slightest reflection upon her moral character. His Honour Judge Sir Francis Greenwell observed that police officers, unless they had a warrant, broke into a house at their own peril, unless they had good justification. There being no justification for the forcible entry of the plaintiff's house, the defendants had gone outside the law, and judgment was given against them for £75 and costs.

In *Morris* v. *Drummond and Another*, also at Newcastle County Court, the plaintiff claimed £100 as damages for assault against two constables of the Gateshead Police. The plaintiff had become involved in a crowd surging round the defendants, while they were arresting two men for street betting, but the prisoners had escaped. Having been pushed against one of the defendants, the plaintiff was knocked over and severely kicked by both of them, and was then arrested and charged with assault. The magistrates dismissed the case, however, and in the above action there was only one witness for the defendants, while six respectable persons corroborated the plaintiff. His Honour Sir Francis Greenwell declined to believe that there was such an antagonistic feeling towards the police that they were unable to obtain witnesses, and he pointed out that (1) the defendants had no difficulty in arresting the plaintiff, yet they twisted his arms behind his back and drew their truncheons; (2) the defendants never once blew their whistles for assistance. The plaintiff had been subjected to a gross assault by which he was incapacitated for six months, and he was therefore entitled to judgment for the full amount claimed. See further "The Authority of Minor Municipal Officials" in our issue of the 14th September, 1929, 73 SOL. J. 597.

Mr. Frederic Edward Weatherly, K.C., of Bathwick Lodge, Bath, an author of popular songs, including "The Star of Bethlehem," "The Holy City," "Roses of Picardy," "Up from Somerset," and the translator of the English version of *Pagliacci*, whose death was announced in THE SOLICITORS' JOURNAL of the 14th September last, aged eighty-one, left estate of the gross value of £41,932, with net personalty £41,638. He left all his copyrights, whether publishing, performing, or mechanical rights, and all contingent and other rights of and in all of his works, whether literary or musical, and whether published or unpublished, to his wife, and £250 to his "faithful friend and clerk," John Luke Roberts, or should he have predeceased him to the wife of his said clerk.

Practice Notes.

THE LAUNDRY EXPENSES OF FARM WORKERS.

The above can only be deducted from wages if permitted by the agricultural wages committees, as shown by the recent decision of the Divisional Court in *Hughes* v. *Davies and Others*. The respondents were farmers at Llandewi Brefi, and had been summoned for having failed to pay wages at not less than the minimum rate to a farm worker, contrary to the Agricultural Wages (Regulation) Act, 1924. The defendants had relied on the agreement of service, under which they had paid a yearly wage of £38 in cash, but had provided board and lodging and also washing and mending, the latter being agreed at 2s. a week. It was contended that the latter could be reckoned as a set-off against, or in part payment of, the minimum wage, and the magistrates at Tregaron had upheld this contention, and the summons was therefore dismissed. The bench had also found, however, that if the value of the washing and mending could not be reckoned in part payment, the arrears outstanding were £5 1s. Lord Hewart, L.C.J., pointed out that the Pembroke and Cardigan Agricultural Wages Committee had set out in an Order the benefits or advantages which might be reckoned as payments of wages in lieu of cash. Washing and mending were not included in that Order, and the justices had found that—if the deduction was not permissible—the offence was trivial. This could not properly be held to be the case, however, and the appeal was therefore allowed. Mr. Justice Avory and Mr. Justice Swift concurred in remitting the case with a direction to convict, and to make an order for the payment of the arrears. Compare "Overtime Payments to Farm Workers," in our issues of the 5th and 26th October, 1929, 73 Sol. J., 638 and 707.

Legal Parables.

XLVIII.

The Old Fellow who had learned a Secret.

An Old Fellow who was approaching retirement from active practice in the courts was once imparting good advice to a Young Fellow who had not long been called.

Now, the Young Fellow knew quite well that the Old Fellow, though possessed of only ordinary ability, had done exceedingly well and was held in high esteem by learned judges. So he inquired of the Old Fellow how he had managed it.

"Well," said the Old Fellow, "as I am at the end of my career and you are at the beginning, I need not fear your rivalry, young man. There are lots of ways of getting on besides mugging up cases and reading briefs twenty times over. But there's just one secret that I learned years ago that has done me as much good as anything else. You may have observed that judges smile upon me and listen to me as if they rather liked me. Very well, the way . . . "

"Look here!" interrupted the Young Fellow, "I simply can't go hitting up judges. I mean to say I hate flattery myself, and . . . "

"If you don't learn to avoid discourteous interruptions," rejoined the Old Fellow heavily, "you will never be a success at the bar. Kindly allow me to proceed. I have learned that judges may be divided into two classes: Fresh Air Fiends and Salamanders. There's nothing in between. Now you can't win a case if it's absolutely hopeless; but there's many a case with no merits on either side and not much law, and any little thing turns the scales. So I learned to sort out Fresh Air Fiends from Salamanders and to act accordingly.

"When a Fresh Air Fiend had all the windows open with a north-east gale blowing, I asked if we couldn't have more air. The old chap would purr with delight and order the doors to be opened. My brief was often blown away (which didn't much matter in most cases) and once I myself was blown out of the door and into the street, but I won my case when I managed to struggle back.

"If the court was hermetically sealed and everyone was gasping, I used to ask the Salamanders why it was that courts of justice were never kept warm. That won me instant approval many a time. It sometimes meant that I and my opponents completely lost our voices from the cooked air, and occasionally one of us would faint; but that, again, mattered very little, because it shortened the case, which is always popular with the bench, and of course I won because I had ingratiated myself with the judge.

"Yes, I caught many colds, bad throats, and other complaints at first, but I soon got hardened, and here I am, hale and hearty."

"Just one question," said the Young Fellow. "What do you have to do if you have a Fresh Air Fiend and a Salamander sitting together in a Divisional Court?"

"Why then you must be rather non-committal. Refer vaguely to the difficulty of keeping one's brain clear and one's voice audible in this rather trying atmospheric condition, or something of that sort. Each of them thinks you are getting at the other one, so you may score with both if you're lucky. But don't be drawn into saying what you mean. Always be careful about that!"

Reviews.

"Die Englische Aktiengesellschaft nach neuem Recht" (*The English Company under the new law*). By Arthur Curti. Springer, Berlin. Rm.16.80 paper, Rm. 18.40 cloth.

In the first part of this book Dr. Curti, who is an authority in Germany on English commercial law, reviews at length the Companies Act, 1929. The matter is well arranged; the section setting forth the essential differences between English and foreign company law illustrates the author's capacity for being concise and yet lucid. Comments on the attitude of our courts towards too comprehensive debentures, on the provisions as to auditing, on the position as regards directorship of the undischarged bankrupts, and the like, add to the interest of this book. The second part consists of a translation of the statute, purposely strict, with footnotes explanatory of the meanings of "beneficial owner," "committee," etc.

Law and Industry, by G. S. W. Marlow, B.Sc., F.I.C., Barrister-at-Law. London: Stevens and Sons, Ltd. 17s. 6d. net.

The subject-matter of this volume formed the basis of a series of lectures on "English Law as related to Industrial Chemistry," delivered by the author at the Sir John Cass Technical Institute. It is stated to be addressed "not to lawyers but to those engaged in *industry*," and summarises in convenient and intelligible form the more important aspects of the various branches of law affecting industry. The introductory chapter deals with the sources of law, its divisions, and the practice of the courts generally. Torts and contracts form the subjects of two other chapters in which the general principles of both are set out in clear and concise terms. Principal and agent, master and servant, and the law relating to employers' liability and workmen's compensation are dealt with in succeeding chapters; whilst trade union law, the sale of goods, and contracts of surety and insurance, are also covered in brief but comprehensive terms. Other subjects of interest to commercial men generally, such as bankruptcy, company law, and negotiable instruments, have their place in what may be termed an encyclopædic volume likely to be of substantial service to all engaged in commerce and industry. The book is attractively written—is not too legal or too technical to be understood by the lay reader, and is arranged in such a form as to make its contents easily accessible. It should enable the reader for whom it is intended to

acquire quite a substantial knowledge of legal principles and practice and (as the author suggests) to equip himself so as to avoid the misfortune of learning law as defendant in an action to which he need not have been party if he had been so equipped.

"*Die Höchsten Gerichte der Welt*" (*The Supreme Tribunals of the World*). By Dr. JULIUS MAGNUS. Moeser, Leipzig. "*Die Rechtsanwaltschaft*" (*The Legal Profession*). By the same author.

In the former of these two volumes, the editor surveys and compares the origins and functions of courts exercising the highest appellate jurisdiction in all the civilised states of the world; in the latter, he compares the legal professions in the same way. The results are of great interest to studeuts of jurisprudence, comparative and historical. The chapters dealing with Great Britain and Northern Ireland are in each case contributed by Mr. Vaughan Williams, K.C., and Mr. Ralph Sutton; that on the Judicial Committee of the Privy Council in the former work is written by Mr. W. R. Wallace, its Chief Clerk; the legal profession in the Dominions and Colonies is dealt with by Mr. Everard Dickson.

The two books should, to employ a well-known phrase, be "read together" in order better to interpret Dr. Magnus' ideas and ideals. His theme is that much in human happiness depends not only on the law, but on its machinery; i.e., on the respect inspired by those who administer it, and on the moral status of those engaged upon it.

Outlines of Central Government, including the Judicial System of England. By JOHN J. CLARKE, M.A., F.S.S. Sir Isaac Pitman & Sons, Ltd. 5s. net.

The fourth edition of this compact little work covers a remarkably vast amount of ground: parliament, the various government departments, the law and its sources, and the different courts which administer it are all succinctly described. The reader is given an insight into the development of and relationship between the powers that be, and feels he is being informed not only as to how, but also as to why, we are governed. It is perhaps significant that in his first chapter he discusses the nature of nations, states and governments, and in one of his last the League of Nations. The division of the subject-matter shows that the author can strike a balance between narrative form and tabular form, and he has a pleasing knack of illustrating his points by quotations from statesmen, philosophers and poets of all ages and nationalities. We regret the omission to deal with the Land Registry, and trust that on a future occasion this may be repaired.

Books Received.

The Parliament House Book for 1929-30. 105th Publication. Crown 8vo. xcv pp., and Division A (Court of Session) 202 pp., Division B (The Lower Courts) 119 pp., Division C (Conveyancing, Entail, and Landlord and Tenant) 331 pp., Division D (Judicial Factors, Conjugal Rights, Trusts, Executry, etc.) 92 pp., Division E (Bankruptcy, Companies, etc.) 272 pp., Division F (Mercantile Law, Administration, etc.) 95 pp., Division G (Table of Fees for Conveyancing and General Business) 336 pp., Division I (Acts of Sederunt) 154 pp., and List of Lawyers outwith Scotland and List of Foreign Lawyers 51 pp. 1929. Edinburgh: W. Green and Son, Ltd. 21s. net.

How to Appeal against your Rates—Outside the Metropolis. With Forms and full instructions. Being a collection of statutory provisions and decided cases relating to the assessment of property and appeals therefrom. By ANDREW DOUGLAS LAWRIE, M.A., Barrister-at-law. Seventh Edition. Revised by G. F. EMERY, LL.M., Barrister-at-law. pp. xii and (with Index) 194. London: Effingham Wilson. 6s. net.

Current Research in Law. For the Academic Year 1928-1929. Based on a Survey made by the Institute of Law by MARION J. HARROW, under the direction of HERMAN OLIPHANT. Demy 8vo. pp. vi and (with "Author" Index and "Subject" Index) 218. Baltimore: The John Hopkins Press. London: Humphrey Milford; Oxford University Press. 9s. net.

The Bombay Law Journal. Vol. VIII. No. 6. November, 1929. 110, Meadows-street, Fort, Bombay. Rs.2-0-0.

Notable British Trials—The Bloody Assizes. Edited by J. G. MUDDIMAN, M.A. (Oxon.), Editor of "The Trial of King Charles I." 1929. Illustrated. Dedicated "To The Earl of Birkenhead," Lord High Chancellor, 1919-1922. Demy 8vo. 250 pp. (with Index). Edinburgh and London: William Hodge & Co., Ltd. 10s. 6d. net.

The Journal of the Institute of Arbitrators Incorporated. Vol. III, New Series. No. 11. October, 1929. 10, Norfolk-street, London, W.C.2. 1s. net.

Railway Control by Railway Stockholders "not by Railway Directors." G. A. NNOKES. The Bordyke Press, Burgess Hill, Sussex. 1s. net.

The Secretarial Handbook. Being a Practical Guide to a Secretary's Duties under the Companies Act, 1929. By E. WESTBY-NUNN, B.A., LL.B. Second Edition. 1929. Demy 8vo. pp. xv and 240. London, Liverpool and Glasgow: The Solicitors' Law Stationery Society, Ltd. 6s. net.

Practical Hints on the Preparation and Registration of Joint Stock Companies Forms, with Precedents, Tables of Fees, and Stamp Duties. By CHARLES H. PICKEN. 1929. Ninth Edition. Demy 8vo. 163 pp. (with Index). London: Waterlow & Sons, Ltd. 5s. net.

The Lawyer's Remembrancer and Pocket Book. ARTHUR POWELL, K.C. Revised and edited for the year 1930 by J. W. WHITLOCK, M.A., LL.B. 214 pp and Diary. 1929. London: Butterworth & Co. (Publishers) Limited. 5s. net.

A Concise Handbook of Provincial Local Government Law. For the use of Ratepayers, Councillors and officers. By C. F. ATKINSON, LL.B. (Lond.). Second Edition. By R. BORREGAARD, M.A. (Oxon). pp. vi and (with Index) 265. London: Effingham Wilson. 7s. 6d. net.

Mozley and Whiteley's Law Dictionary. Fifth Edition. By F. G. NEAVE, LL.D., Solicitor, in collaboration with GRANGE TURNER, M.A.(Cantab.), Barrister-at-law. Demy 8vo. pp. ix and 360. 1929. London: Butterworth & Co. (Publishers) Limited. 12s. 6d. net.

Sex and its Mysteries. GEORGE RYLEY SCOTT, F.R.A.I., F.Ph.S., F.P.C.(Lond.), F.Z.S., etc. Large Crown 8vo. 198 pp. (with Index). 1929. London: John Ball, Sons and Danielsson, Limited. 10s. 6d. net.

Company Precedents; Main Objects Clauses. R. J. SUTCLIFFE, Barrister-at-law. Demy 8vo. pp. 164 and (Index) lxxxiii. 1929. London: Lewis, Coates & Lucas Limited. 12s. 6d. net.

The Law of Arbitrations and Awards. W. SUMMERFIELD. M.A., B.C.L.(Oxon.), LL.B.(Lond.). Medium 8vo. pp. lii and (with Index) 199. Gee & Co. (Publishers) Limited, 10s. 6d. net.

The Practice of Company Law; Embodying the Provisions of The Companies Act, 1929. J. A. BERGER, D.Sc., F.C.A., and G. RAYMOND HART, Barrister-at-law. Medium 8vo. pp. 195 (with Index). 1929. London: Gee & Co. (Publishers) Limited. 12s. 6d. net.

The Joint Stock Companies Practical Guide, with the Text of the Companies Act, 1929. ALBERT CREW, Barrister-at-law. Twelfth Edition. 1929. 651 pp. (with Index). London: Waterlow & Sons Limited. 15s. net.

POINTS IN PRACTICE.

Questions from Registered Annual Subscribers only are answered, and without charge, on the understanding that neither the Proprietors nor the Editor, nor any member of the Staff, is responsible for the correctness of the replies given or for any steps taken in consequence thereof. All questions must be typewritten (in duplicate), addressed to The Assistant Editor, 29, Breams Buildings, E.C.4, and contain the name and address of the Subscriber. In matters of urgency answers will be forwarded by post if a stamped addressed envelope is enclosed.

Position of Sub-tenant Holding Over.

Q. 1793. Referring to *Q.* 1740 in your issue of 5th October, at p. 640, as to the position of a sub-tenant holding over, I question the correctness of the answer.

As I read the query, the yearly tenant of the whole property, who had sub-let part, gave to owner the proper six months' notice to quit required by his agreement, and so determined the tenancy. How could any sub-tenant have any right after such determination? The case of *Mellor* v. *Watkins* only applied to a *surrender* by the head tenant. I know of no authority extending it to the case of a head tenant giving notice to quit. Of course, if the query meant that the head tenant gave less than the six months' notice required by his agreement, and the landlord accepted it, this might be equivalent to a surrender.

A. The view expressed in this question would probably have been accepted in the days of strict construction, but nowadays the influence of the Rent Restriction and Landlord and Tenant Acts must be reckoned with. In favour of an innocent sub-tenant, an effort would probably be made to extend the principle of *Mellor* v. *Watkins*, e.g., by construing the term "surrender" not in its technical sense of a premature termination by mutual arrangement but in its wider meaning of any termination resulting from the voluntary act of the head tenant.

Legal Easements—A Restrictive Covenant—An Option to Purchase—Registration under L.C.A., 1925.

Q. 1794. A is granting to B a lease of land in Cheshire for building for a term of 200 years. On the land leased is a cesspool which takes the drainage from an adjoining house belonging to A, and the drainage from B's house will also go into this cesspool. The lease reserves a right to A to drain into the cesspool as hitherto, and also grants to B a right to lay a line of pipes from the cesspool across other adjoining land belonging to A to a ditch. The lease contains usual lessee's covenants and also a covenant by the lessee B not to carry on any trade or business on the demised land. It also provides that in the event of B wishing to assign or dispose of his lease during the life of A or X (A's son), or within twenty-one years after the death of the survivor, A or his successors in title shall have an option to purchase for the remainder of the term. We shall be obliged if you will kindly advise us what registrations should be effected under the L.C.A., and against what names.

A. Provided, as we assume to be the case, the easements of drainage are to be granted and reserved as legal easements (which are not capable of registration and take effect by their inherent legal strength (L.P.A., 1925, s. 1 (2) (*a*)). We express the opinion that the only registrations required are against B in respect of (*a*) the restrictive covenant—Class D (ii) and (*b*) the option—Class C (iv).

Statutory Acknowledgment—Benefit passed through Person who originally Gave it.

Q. 1795. In the year 1900, A mortgaged certain freehold property to B. Some of the deeds were not handed over to B as they covered other property retained by A. So in 1910, A signed an acknowledgment for production, etc., and an undertaking for safe custody in favour of B. In 1918 the mortgage was repaid and a re-conveyance executed. The acknowledgment and undertaking were thereupon returned to A. In 1920 A conveyed to C the property which had been comprised in the aforesaid mortgage. The conveyance to C contained no acknowledgment for production. A client of ours is now buying from C's successor. We have required that an acknowledgment be obtained from A, but are told that the acknowledgment in favour of B, having once attached to the land, runs with it. We have submitted that, when B's mortgage was discharged, the acknowledgment came to an end because the obligations and rights under it were in the same persons.

A. We express the opinion that our subscriber's client will claim in some degree under B, and that therefore, the acknowledgment will enure for his benefit (L.P.A., 1925, s. 64 (3)). Attention is directed to s. 45 (7) of L.P.A., 1925.

Pre-1926 Intestacy—Delay in Grant—Sale.

Q. 1796. A woman died twenty-five years ago intestate, seised of a small freehold property (but possessed of no personal property save wearing apparel of very little value), leaving surviving her a husband and one child, a son. The husband thereupon became tenant by the curtesy and has occupied the freehold property since the death of the wife, but did not take out letters of administration. It is now proposed to sell the property, and albeit there are alternatives it seems that the best course to adopt would be for the husband and the son jointly to take out letters of administration (ss. 8 and 12 A.E.A., 1925), and pay the estate duty due on the wife's death with interest, and then convey as personal representatives; the husband and son would come to an arrangement as to the purchase money.

A. The suggested procedure seems to us both simple and satisfactory. A certificate of delay will be required and (probably) proof of the alleged cause of the delay. Whether on the death of the wife the legal estate vested in the son as heir, or in the husband for life with remainder to the son, or became "*in nubibus*," and whether or not on the 1st January, 1926, it became vested in the husband by virtue of L.P.A., 1925, Sched. I, Pt. II, paras. 3 and 6 (*c*), it seems to us that the duly constituted personal representatives of the wife can without doubt make a good title to a purchaser (L.P.A., 1925, s. 204 (1); A.E.A., 1925, s. 37). Section 8 of A.E.A., 1925, does not seem in point; s. 12 is repealed and re-enacted by J.A., 1925, s. 160.

End of Settlement—Legal Estate—*Re Bridgett and Hayes' Contract.*

Q. 1797. In 1918 A by deed conveyed certain freeholds to B, C and D (called the trustees) "To hold unto the trustees and their heirs to the use of the settlor and his assigns without impeachment of waste and after his death To the uses hereinafter declared . . . namely . . . Unto and to the use of E and F and their heirs and assigns as tenants in common." C and D both died in 1918, and in 1919 G was in their stead appointed to act as trustee jointly with B. A died in August, 1929, leaving a will by which B and G were appointed his executors, there being, however, no mention of special personal representatives. G does not intend to prove, but is reserving power. Be good enough to advise:

(1) Whether we are correct in assuming from "*Re Bridgett and Hayes' Contract*" that the settlement came to an end upon A's death, so that no limited grant can properly be made to the trustees of the settlement, and that the proper person to convey to E and F will be B, when he has proved.

(2) If this is not correct, whether the provisions that, where the general and special personal representatives are the

same person, only one grant need be made, will apply, in view of the fact that G is not proving.

A. (1) We are in entire agreement with this assumption. The conveyance can, if desired, be by way of an assent.

(2) *Cadit quaestio.*

Mortgage by Sub-demise pre-1926—Sale under Power—Nominal Reversion.

Q. 1798. In 1877 land was demised to A for a term of ninety-nine years. A mortgaged to B by way of sub-demise, and the deed contained a declaration that after any sale by B, the mortgagor, A, should stand possessed of the nominal reversion in trust for the purchaser and to be disposed of as he might direct. In 1888 B sold under his power of sale to C, who did not obtain a transfer of the reversionary term. C has now agreed to sell to D.

(1) Having regard to the L.P.A., 1925, 1 Sched. I., Pt. II, para. 3 has the mortgage sub-term now merged in the reversionary term, so that C now holds the land for the residue of the full term of ninety-nine years ?

(2) Acting for D on the present purchase, what (if any) requisition should be made on the point ?

(3) Will the assignment to the present purchaser (D) assign the unexpired residue of the full term of ninety-nine years created by the lease of 1877, and if so, should any recital be inserted in the deed referring specifically to the prior title and to the provisions of the L.P.A., 1925, as to the automatic vesting of the mortgage sub-term.

A. (1) Yes. The L.P.A., 1925, Sched. I., Pt. II, paras. 3 and 6 (*d*). Note that para. 7 (*a*) of this part of this schedule does not apply, because on the 1st of January, 1926, the right to redeem was lost.

(2) We are not told whether C contracted to sell the head or the sub-term. If the former was the subject of the sale, no requisition is indicated, but if the latter only was sold, the purchaser should ask for (but cannot insist upon) an assignment so framed as to pass the unexpired residue of the full term.

(3) See No. 2, *supra.* C is in a position to assign the residue of the full term.

In our opinion the recitals are divisible. See on the whole point " Everyday Points in Practice," Pt. IV, s. 1, sub-s. (2), case 1, pp. 267 and 268.

Appointment of New Trustees—Unauthorised Investment of Money in Purchase of Land—Vesting Declaration.

Q. 1799. Freehold property was conveyed in 1887 to A, B and C as joint tenants simply. A, B and C were in fact trustees of a will and the property was purchased out of a fund bequeathed to them, in trust for the testator's four daughters and their issue. There was no power in the will to purchase real property. In 1909 C appointed D and E new trustees in place of A and B, deceased. The deed of appointment contained a vesting declaration that all the hereditaments and property specified in a schedule and all other property then subject to the trusts of the will and capable of being vested should vest in C, D and E for all the estate and interest then subject to the trusts of the said will, upon the trusts and subject to the powers and provisions of the said will. This property was expressly mentioned in such schedule. C and D having died, E, in 1929, appointed F and G new trustees of the will in their place. The property was again mentioned in the schedule, and the statutory implied vesting declaration was not negatived. The four daughters are still living. The property, being an unauthorised investment and not having been expressly conveyed to the trustees upon the trusts of the will, it is assumed it would be held upon an implied trust for sale only. In such case would the vesting declarations be operative to convey the property to the several new trustees or would it have passed to C's executors ? It is therefore asked—

(i) was the property effectively vested—

(*a*) in 1909 in C, D and E by the express vesting declaration and schedules ;

(*b*) in 1929 in E, F and G by the implied vesting declaration and schedule ; or

(ii) what further deed is necessary to vest it in E, F and G, and who should be parties to this deed ?

(iii) Can C's executors make a title to a purchaser as executors of the survivors of a joint tenancy created by a conveyance not disclosing a trust ?

A. (i), (*a*) and (*b*). We express the opinion that, both in 1909 and in 1929, the property was effectively vested in the continuing and new trustees. The fact that the investment was not of an authorised character does not take the proceeds of sale thereof outside the trusts of the will. See " Everyday Points in Practice," Pt. VII, s. 10, case 5, pp. 398 and 399.

(ii) *Cadit quaestio.*

(iii) No. If this was done it could only be done by (improperly) keeping the appointments off the title.

The Marketability of Subsidy Houses.

Q. 1800. A builder has obtained a subsidy under the Housing Acts from the local town council towards building a house, upon a condition that upon any sale by him the price is to be approved by the council. Our client has agreed to purchase the house from the builder, and on making a search in the local register of land charges we find the above condition registered against the property. We understand the builder has not yet obtained the council's approval of the price. Is there anything to prevent our client completing the purchase without the council's approval being obtained ? It rather seems to us the condition as to the grant of the subsidy is a personal matter between the council and the builder, and that it is not the same thing as a restrictive covenant registered against the property.

A. There is nothing to prevent the purchaser completing without the council's approval of the price, and the view expressed in the last paragraph of the question is correct. It will probably be discovered, however, that there is a proviso, in the nature of a restrictive covenant, limiting the selling price for a short period of years, and the purchaser should be made aware of the fact before completion. Unless he contemplates residing in the house permanently, it may be an objection from his point of view not to be able to re-sell in a free market.

Land Charge—Option to Purchase—Cancellation.

Q. 1801. Your opinion is requested as to the incidence of the expense of cancellation of an entry in the register of land charges of an option of purchase registered as an estate contract. In August, 1927, X entered into two separate agreements with two estate owners, A and B. Each agreement conferred on X a valid option of purchase—as regards A, of the whole of A's land, and as regards B, of a part of B's land, the options in each case being exercisable by X at any time before 25th December, 1927. In each case X at his own expense registered the agreement as a land charge (Class C (iv)). The time for exercise of the option was not referred to in X's application for registration. X did not exercise his option as regards A's land. X exercised his option and completed his purchase of the part of B's land affected by the option agreement. A and B now desire cancellation of the respective entries against them in the register. Will you kindly advise :—

(1) Whether A is entitled to require X to make application to the Land Registry for cancellation of the entry.

(2) Whether B is so entitled.

(3) If the answer to (1) or (2) is in the affirmative, at whose expense should the cancellation in each case be effected ?

A. (1) and (2) We express the opinion that X is not under any obligation to move in the matter in either case.

(3) *Cadit quaestio.*

Correspondence.

Companies Act, 1929.—Disclosure by Directors of Interest in Contracts.

Sir,—I have read with interest the letters by "Interested" and Messrs. Firth & Firth in last week's issue.

As s. 149 imposes a penalty of not exceeding £100 on any director who fails to comply with its provisions, the following quotation from Lord Esher's judgment applies: "We must be very careful in construing this section, because it imposes a penalty. If there is a reasonable interpretation which will avoid the penalty in any particular case, we must adopt that construction. If there are two reasonable constructions, we must give the more lenient one" (*Tuck & Sons* v. *Priester* (1887), 19 Q.B.D. 629).

Mr. W. W. Paine was advised that if he is a director of a banking company and a shareholder in a company which obtains an overdraft from one of the branches of the banking company, he is as a mere shareholder indirectly interested in that contract, and bound by s. 149 (1) to disclose his interest to his co-directors. If this is correct, then it would appear that if he is an inhabitant of the borough of X the "inhabitants" of which are incorporated as a municipal corporation under the style of the "Mayor, Aldermen and Burgesses of the Borough of X" (Municipal Corporations Act, 1882, s. 7 (1)), he is indirectly interested in contracts between that corporation and a company of which he is a director, and bound to disclose that interest to his co-directors. He is a corporator of that municipal corporation in the same way as a shareholder is a corporator in a company under the Companies Act. As an inhabitant he would also be a ratepayer of X. I submit that neither of these are reasonable interpretations of sub-s. (1).

Your correspondents suggest that in construing sub-s. (1) assistance can be obtained from the wording of sub-s. (3). It is therefore important to enquire how sub-s. (3) would operate in some cases. Assume that A is a director of, company Y and also a shareholder and managing director of company Z, and entitled to receive from company Z a commission on the profits of all contracts, including those made with company Y. A can evade any criminal responsibility for not disclosing to his co-directors his *direct* interest in the contract (commission on profits) by giving to them a notice that he is a member of company Z and is to be regarded as interested in any contract made by that company. A subsection so loosely drawn is not of much assistance in construing sub-s. (1).

The decision of the House of Lords in *Macaura* v. *Northern Assurance Co.* [1925] A.C. 619, that a corporator, i.e., a shareholder, has no interest, either legal or equitable, in the assets of a company, appears to have so far-reaching an effect as impliedly to repeal several former decisions, including *Todd* v. *Robinson* (1884), 1 Q.B. 739. As s. 149 imposes a penalty, it must receive the most lenient construction, and that appears to be by holding that a mere shareholder is not directly or indirectly interested in a contract made by a company.

Sheffield. F. B. DINGLE.
30th November.

"Who is Owner?"

Sir,—We have been interested in your comments and the correspondence on the case of *Watts* v. *Battersea Borough Council*. The decisions of the Court of Appeal hardly leave the matter in a satisfactory position.

It does not appear, from the judgments, to have been judicially decided, either in express words or by implication, that there may be more than one owner, and we suggest that your correspondent, Mr. Poole, is drawing a wrong assumption in taking it for granted that the first person who received the rents might have been treated as an owner.

Section 4 of the Public Health Act does not help local authorities. The section does not say that the word "owner" shall not be deemed to *include* a person in receipt of the rents, but specifically lays down that the person in receipt of the rents *is* the owner, presumably to the exclusion of all other persons through whose hands the rents may pass, and to the exclusion of the actual freeholder or leaseholder as the case may be.

This section has, in our experience, caused considerable difficulty; it has always enabled the local authority to make the agent or other person in receipt of the rents primarily responsible for the payment of such matters as road charges, but the section effectively destroys the remedy of the local authority in such cases. The amounts due for road charges are a charge upon the premises, which can be enforced by proceedings for a declaration that such charges and interest are a charge upon the property and for an order for sale. The proper defendant in such cases is the person in receipt of the rents, who may not be the actual owner (in common parlance) of the premises. It is consequently impossible to get an effective order against the agent for the sale of premises which do not, in fact, belong to him.

Circumstances may arise in which the person who actually owns the house is not, in fact, in receipt of the rents either directly or indirectly, and in such cases, if he were made a defendant it appears to be a proper defence for him to raise that he is not the person made chargeable under the Act, and consequently he can evade the sale which may result from the charge created in favour of the local authority.

In practice we have come across the very point. The person in receipt of the rents has been made the defendant; an order has been made that in default of payment the deeds are to be brought into court and for the sale of the premises. This creates an impossible position, as the owner of the premises is not before the court. The only method of enforcing the charge in such cases is to register the amount ordered by the court as a local land charge, which will presumably be discharged on any subsequent sale of the house.

We hope the attention of the Ministry of Health will be called to the difficulties created, and that they will not allow another fifty years to pass without rectifying the obvious error on the part of the original draftsmen.

London, W.C.2, ERNEST BEVIR & SON.
13th November, 1929.

[We are substantially in agreement with the above. Possibly the headnote of the case referred to goes a little too far in suggesting that the learned Lords Justices each came to a definite conclusion not only that the appellant was or was not, but that the builder was not or was the owner; the dissenting judgment alone expresses such a view, but the other judgments certainly imply it. The difficulties alluded to are emphasised if one looks at other *dicta* to which we have not hitherto referred: Sankey, L.J., introduces the hypothesis of a boy of fourteen years of age being sent by his father to collect weekly rents; Greer, L.J. (who dissented) mentions the possibility of a clerk or servant of an employer receiving the rent from the tenant, and indicates that under such circumstances, the clerk having been appointed for the purpose, he might hold differently.

Besides evading a sale by the device referred to, owners can, of course, escape liability in some cases by selling after notice, but before effect is given to a notice: see *R.* v. *Swindon Local Board* (1879), 4 Q.B.D. 305, another matter to which the attention of the Ministry of Health might be drawn.—YOUR CONTRIBUTOR.]

Mr. ALFRED BEBBINGTON, solicitor, York, Clerk to the Ouse Drainage Board, was at a meeting of the newly constituted Doncaster District Drainage Board held on the 2nd inst. appointed Clerk and Solicitor to the Board. Mr. Bebbington was for over twenty years Assistant Clerk to the West Riding Rivers Board.

Notes of Cases.

House of Lords.

Manchester Corporation *v.* Farnworth.

28th November.

ELECTRICITY—NUISANCE—ELECTRIC GENERATING STATION — SULPHUR FUMES — NEGLIGENCE IN EXERCISE OF STATUTORY POWERS.

This was an appeal from the Court of Appeal [1929] 1 K.B. 533, reversing a decision of Talbot, J. In 1923 the appellants, the Manchester Corporation, under the powers of the Manchester Corporation Act, 1914, erected an electrical power station at Barton-upon-Irwell, the respondent being the tenant of a farm in the neighbourhood. The claim by the respondent was for damages and an injunction to restrain the appellants from causing to issue from their power station sulphur fumes and noxious matter in such a manner as to injure the respondent's farm. Two questions were raised by the appeal, namely, whether the appellants were expressly made liable for nuisance, and if not, whether they had been guilty of negligence in the exercise of their statutory powers. Talbot, J., decided the points in favour of the appellants, The Court of Appeal reversed that decision, Scrutton, L.J., holding (1) that the Act of 1914 was a special Act within the Electric Clauses Act, 1899, and that clause 81 (the nuisance clause) of the schedule applied to the appellants' station, and (2) that he was not satisfied that the appellants had taken all reasonable precautions to prevent the nuisance.

Lord DUNEDIN in giving judgment said the respondent contended that the Act of 1914 was a special Act within the meaning of the Act of 1899 and that the appellants were in law under a nuisance clause. The appellants denied that the Act was a special Act and said that the generating station was a thing specially authorised by Act of Parliament, and that the emission of fumes was the inevitable result. To this the respondent replied that the onus of proving that the nuisance was inevitable lay on the appellants and they had not discharged it. His lordship's view on the first point was, he said, not shared by their lordships, but he concurred with them on the second point as to negligence, and he now moved that the appeal be dismissed.

Lord SUMNER in the course of his judgment said the nuisance being admitted by the appellants, their liability depended on proof that they had taken all reasonable steps to prevent it, but they had never put themselves in a position to say that a nuisance was necessarily incidental to the fumes. He agreed with the motion to dismiss the appeal.

Lord BLANESBURGH gave judgment to the same effect as Lord Sumner.

COUNSEL: *Cyril Atkinson*, K.C., *Tyldesley Jones*, K.C., and *Sydney Turner*; *Singleton*, K.C., and *Neville Laski*.

SOLICITORS: *Sharpe, Pritchard & Co.*, for *F. E. Warbreck Howell*, Town Clerk, Manchester; *Ellis & Fairbairn*.

[Reported by S. E. WILLIAMS, Esq., Barrister-at-Law.]

Court of Appeal.

Tolley *v.* J. S. Fry & Sons Limited.

Scrutton, Greer and Slesser, L.JJ. 25th November.

DEFAMATION — LIBEL — ADVERTISEMENT — CARICATURE OF FAMOUS AMATEUR GOLFER—WHETHER DEFAMATORY.

Appeal from a judgment of Acton, J., in the trial of an action with a common jury.

The plaintiff, who was a well-known amateur golfer, brought the action against the defendants, who were manufacturers and vendors of chocolate, for damages for alleged libel in respect of advertisements of chocolate contained in certain newspapers in June, 1928. The advertisement included a picture of the plaintiff playing golf with a packet of the defendants' chocolate protruding from his pocket, and a caddy dancing with another carton in his hand. The picture had below it a legend, as follows:—

"The caddy to Tolley said 'Oh, Sir';
"Good shot, Sir, that ball see it go, Sir!
"My word how it flies
"Like a cartet of Fry's,
"They're handy, they're good and priced low, Sir."

The plaintiff pleaded the following innuendo, namely, that the defendants thereby meant and were understood to mean that the plaintiff had agreed or permitted his portrait to be exhibited for the purpose of the advertisement of the defendants' chocolate, that he had done so for gain or reward, that he had prostituted his reputation as an amateur golf player for advertising purposes, that he was seeking notoriety and gain by these means, and that he had been guilty of conduct unworthy of his status as an amateur golfer. The defendants denied that the words were capable of the alleged or any defamatory meaning. At the trial the defendants called no evidence. The judge ruled that the cartoon interpreted by the evidence called was capable of a defamatory meaning, and the jury found that it was defamatory and awarded £1,000 damages. The defendants appealed and contended that the cartoon with the evidence before the court was not capable of a defamatory meaning, and that the damages were excessive.

SCRUTTON, L.J., in a dissenting judgment, expressed the opinion that there was ample evidence on which the judge might rule that the cartoon was capable of being construed by reasonable men as a publication imperilling the plaintiff's position in the world of golf by suggesting that he was departing from his amateur status by allowing his name to be used with or without remuneration in advertising goods which golfers might buy. Therefore the ruling of the judge was correct on that point. But the majority of the court (GREER and SLESSER, L.JJ.), held that there was no evidence of any special circumstances which would render the publication capable of being defamatory. The advertisement was not, on the face of it, defamatory, and in the absence of evidence of any special facts which would entitle reasonable men knowing those special facts to interpret the publication in a defamatory sense, the publication was not libellous. Therefore there must be judgment for the defendants. On the question of the damages, the three members of the court were unanimous in thinking the amount awarded excessive, and would have granted a new trial on that ground, but the majority held that there must be judgment for the defendants on the ground that the publication was not defamatory. Appeal allowed.

COUNSEL: *Norman Birkett*, K.C., and *W. T. Monckton*; *Rayner Goddard*, K.C. and *H. M. Giveen*.

SOLICITORS: *Pritchard, Englefield & Co.*, for *Osborne, Ward, Vassall, Abbot & Co.*, Bristol; *Cohen & Cohen*.

[Reported by T. W. MORGAN, Esq., Barrister-at-Law.]

High Court—King's Bench Division.

Britain Steamship Co., Ltd. *v.* Bunge & Co., Ltd.

Roche, J. 12th November.

SHIPPING — CHARTER-PARTY — GRAIN CARGO — STEVEDORING EXPENSES DISPUTED—MEANING OF "CURRENT RATES."

Special case stated by an umpire.

By a Chamber of Shipping River Plate "Centrocon" charter-party, dated the 24th January, 1928, the Britain Steamship Co. chartered their steamer "Maidenhead" to Bunge & Co., Ltd., to load a cargo of grain at Bahia Blanca. Clause 18 of the charter-party provided that: "Charterers have the option of appointing the stevedores at loading places, said stevedores to be paid by the master at current rates." Only about 10 to 15 per cent. of the total grain cargoes loaded at Bahia Blanca were dealt with by independent stevedoring firms, the rest of the

stevedoring was done by the group of firms themselves who exported grain, and they charged considerably higher rates than the independent firms. In the present case the charterers did their stevedoring of the "Maidenhead" through their own stevedoring department, and deducted £329 odd from the sum payable under the charter. The work done by outside firms would have cost only £169 3s. 7d. at the rates then current; and the shipowner claimed the difference between those two sums. The umpire was of opinion that the higher figure was correct.

ROCHE, J., said that the charterers had an option to appoint stevedores who, but for the option, would have been appointed by the ship. The expression "current rates" must mean the rates which the shipowner would have had to pay if he had had to make his own arrangements for stevedoring. The case must go back to the umpire with that direction, and he must find the rates which the shipowner would have had to pay.

COUNSEL: *Raeburn*, K.C., and *Sir Robert Aske*, for the shipowners; *Clement Davies*, K.C., and *Willink*, for the charterers.

SOLICITORS: *Holman, Fenwick & Willan; Coward, Chance and Co.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Lowery *v.* Lord Mayor, Etc. of Kingston-upon-Hull.

Lord Hewart, C.J., Swift, and Branson, JJ. 13th November.

LOCAL GOVERNMENT—RATING—OWNER RATED—ALLOWANCE—TIME FOR PAYMENT—DISTRESS WARRANT—POOR RATES (ASSESSMENT AND COLLECTION) ACT, 1869 (32 and 33 Vict., c. 41), s. 2—THE RATING AND VALUATION ACT, 1925 (15 & 16 Geo. 5, c. 90), s. 11.

Appeal by way of case stated from a decision of the stipendiary magistrate of Hull. By s. 11 (1) of the Rating and Valuation Act, 1925, as amended by s. 3 of the Act of 1928, and the Local Government Act, 1929: "The rating authority may by resolution direct that, in the case of all hereditaments in their area . . . which belong to a class to be defined in the resolution . . . the owners thereof shall be rated instead of the occupiers. . ." By a resolution of the 27th December, 1928, of the finance committee, confirmed by the city council on the 3rd January, 1929: "The dates by which rates in respect of compounded property shall be paid in order to qualify for the compounding allowance shall be 31st July and 31st January respectively." On the 7th February, 1929, the council confirmed another resolution dated 31st January, 1929: "That pursuant to section 11 (1) of the Rating and Valuation Act, 1925, the rating authority hereby direct that in the case of all hereditaments in the city the rent of which is payable or is collected at less than quarterly intervals, and the rateable value of which does not exceed £10, the owner shall be rated instead of the occupier as from April 1st, 1929." The present appellant, Mary Elizabeth Lowery, was rated and assessed in respect of a general rate made on the 11th April, 1929, on her hereditament at 9, Percy Avenue, South Parade, Hull, of which the assessment for rating purposes was not over £10, and the rent payable weekly. The demand note, dated the 15th May, 1929, demanded payment of £3 1s. 10d. "now due from you," and was accompanied by a letter from the city treasurer to the effect that failure to pay that sum within seven days of demand might result in proceedings being taken to recover it. The appellant refused payment, and on the 24th June, 1929, the stipendary magistrate issued a distress warrant for £1 10s. 11d., being the amount of one quarter's rate. The appellant now appealed.

Lord HEWART, C.J., said that the rent being payable weekly brought the case within the Poor Rates (Assessment and Collection) Act, 1869, (ss. 1 and 2), and although the demand note was for £3 1s. 10d. (the half-year rate) the appellant was asked for a quarter's rate only in conformity with the Act of 1869. For the appellant, it had been argued that she ought not to have been asked to pay that or any sum, inasmuch as the effect of s. 11 of the Act of 1925 was to postpone the right of the rating authority to demand, and the obligation of the ratepayer to pay, the rate, and that, notwithstanding the Poor Relief Act, 1814, there was no right to distrain after a period of seven days, and that that Act had now no application to hereditaments of this class where the owner was rated. He, his lordship, could not accept that argument and the appeal must be dismissed.

SWIFT, J., and BRANSON, J., concurred.

COUNSEL: *H. A. Hill* for the appellant; *A. M. Trustram Eve* for the respondents.

SOLICITORS: *Steavenson and Couldwell*, for *Gosschalk and Austin*, Hull; *Sharpe, Pritchard & Co.*, for *J. R. Howard Roberts*, Town Clerk, Hull.

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Curtis Brown Ltd. (as Agents for Stella Benson, D. H. Lawrence and Peter B. Kyne) and T. H. Jarvis (H. M. Inspector of Taxes).

Rowlatt, J. 18th November.

REVENUE—INCOME TAX—AUTHORS RESIDENT ABROAD—COPYRIGHT ROYALTIES IN THIS COUNTRY—COPYRIGHT IS "PROPERTY."

At a meeting of the Commissioners for the Special Purposes of the Income Tax Acts held on the 3rd February, 1928, Curtis Brown Ltd. appealed against assessments to income tax made upon them as agents for Stella Benson, D. H. Lawrence and Peter B. Kyne, in the sums of £106, £631 10s. and £1,449 5s. respectively for the year ending the 5th April, 1926, under the provisions of Sched. D of the Income Tax Acts. The appellant company, which carried on the business of literary agents, collected the copyright royalties in this country and remitted the amounts, less commission and expenses, to the three authors (*supra*), who were resident abroad. For the appellants it was contended that the sums in question were not profits arising from any trade, profession or vocation exercised within Great Britain; that they were not profits arising from any property in Great Britain; and that for the year of assessment (1926) there was no statutory provision for the charge of income tax on royalties paid to an author who is not resident in Great Britain. For the Crown it was contended that the sums in question were profits properly charged to income tax in the name of the appellants as agents for non-resident authors. The Commissioners thought that the copyright royalties were profits or gains arising from property in the United Kingdom and that the appellants were rightly assessed.

ROWLATT, J., was of opinion that copyright must be comprised within the word "property"; lawyers had spoken of copyright as property, and it could, of course, be transferred. He thought that copyright itself was property. If that were so, it seemed to him that the royalties which were to be secured were annual profits or gains within the scope of the income tax. If that were the right way to look at it, the owner of the copyright in this country would be taxable exactly in the same way as the agents were taxed on his behalf in the present case. The appeal failed; the Commissioners were right in allowing a deduction of the agents' commission and expenses in arriving at the amount.

COUNSEL: *Latter*, K.C., and *Cyril King*, for the appellants; *The Solicitor-General* (Sir James Melville, K.C.) and *R. P. Hills*, for the Crown.

SOLICITORS: *Powell, Skues & Graham Smith; Solicitor of Inland Revenue.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Mr. George Fletcher Jones, solicitor, of Rex House, Longwood-drive, Roehampton, of Freshwater, Isle of Wight, and of Leadenhall-street, E.C., left estate of the gross value of £9,295.

Obituary.

MR. P. M. FRANCKE.

Mr. Paul Mortimer Francke (Barrister-at-Law), Registrar in Bankruptcy of the High Court of Justice during the past twelve years, passed away on Thursday, the 21st ulto., at the age of sixty-three, from the effects of a motor accident which occurred nearly six months ago. Mr. Francke was educated at Westminster and Trinity College, Oxford, was called by the Inner Temple in 1890, and went the Western Circuit. Previous to his appointment as Registrar he had held the positions of Revising Barrister, one of the Counsel to the Board of Trade in Bankruptcy Matters (1913-1917), and Joint Secretary of the Aliens Advisory Committee (1915-1918). He published "A Blot of Ink," translated from the French of René Bazin (with "Q.")

MR. L. J. TILLETT.

Mr. Louis John Tillett, solicitor, Norwich, died at his residence at Buxton, Norfolk, on Saturday, the 23rd November, aged sixty-four. Admitted in 1889, Mr. Tillett was a member of the firm of W. H. Tillett & Co., and at one time sat for Norwich as a Liberal. His grandfather, the late Mr. Jacob H. Tillett, was also at one time member for Norwich.

MR. W. W. PALMER.

Mr. William White Palmer, solicitor, passed away at his residence at Hove, on Friday, the 29th November, at the age of seventy-eight. Admitted in 1874 he joined Mr. Henry Simpson in partnership and established the firm which subsequently became known as Simpson, Palmer and Winder, of 1 Southwark-street, S.E.1, retiring in 1910. He retained the appointment of Clerk to the Commissioner of Taxes for Southwark until a few years ago, when he was succeeded by his son, Mr. Charles C. Palmer, who is also a member of the firm. He was a Past Master of the Worshipful Company of Leathersellers and formerly a member of the Hove Town Council. Of a kindly disposition, he was very popular, and his death will be keenly felt both in legal and social circles

H.

The Solicitors' Managing Clerks' Association.

FESTIVAL DINNER.

The twenty-fourth festival dinner of the Association was held on 28th November, at the Hotel Great Central. The President, Mr. E. G. Tindall, was in the chair, and among those present were the Rt. Hon. Lord Atkin, the Hon. Mr. Justice Eve, the Hon. Mr. Justice Finlay, the Hon. Mr. Justice Luxmoore, Master H. W. Jelf, Mr. Stuart Bevan, K.C., M.P., Mr. R. K. Chappell, K.C., Mr. E. W. Hansell, K.C., Mr. R. M. Montgomery, K.C., Mr. D. N. Pritt, K.C., Mr. Gavin Simonds, K.C., Mr. W. P. Spens, K.C., Mr. H. B. Vaisey, K.C., Mr. W. O. Willis, K.C., Mr. J. H. Stamp, Mr. Phillip Vos and Major H. L. Nathan, M.P.

After the loyal toasts had been honoured, Lord ATKIN proposed "The Association." He confessed to the awe with which managing clerks had always inspired him, an awe which was increased now that the Association had become incorporated. Thanks to Mr. A. F. Topham's lectures to them on the Companies Act, 1929, they would be familiar with all their new characteristics. He commented on the enterprise shown in the arrangement of the lecture programmes, which produced much benefit, both educational and financial. He welcomed the opportunity of expressing his personal gratitude to the members of the Association, who were the persons chiefly responsible for the success of the senior members of the profession. Without their aid, energy and devotion no case would ever reach the stage at which it could be put forward by a barrister in a court of justice. When a case came on for trial the judge knew very little about it, the leading counsel knew a little more and the juniors a little more still, but the only individual who really knew it thoroughly was the managing clerk. Every member of the profession, from the office boy in the solicitor's office to the Lord Chancellor, was taking a part in the administration of justice and was essential to the existence of society.

Mr. E. G. TINDALL referred to the great assistance which members of the Bench and Bar had rendered to the Association in its educational work, and to the success of the lectures. He related how one day last summer the Association had become a charter party, chartering a steamer for a river trip of Henley, and how in a lonely part, where the Strand had seemed a hundred miles away, they had sighted a sailing-yacht, on the fore-topsail of which was the device "O.14" and in which they had recognised a respected Master of the King's Bench. The yacht, however, had passed out of hearing before he had had time to make an application for an extension of their time on the river. Among its many other activities the Association was often asked to suggest alterations in procedure and practice. This year it was co-operating with the Law Society in a scheme of pensions for solicitors' clerks, the author of which, Mr. B. Drake, deserved the thanks of the whole Association. The speaker testified to the zeal and devotion of Mr. G. E. Denton, who had been honorary secretary for three years; Mr. Ebenezer Smith, the honorary lecture secretary and Mr. G. B. Elphick, the treasurer, who, like Tennyson's Brook seemed to go on for ever.

THE UNITY OF THE LEGAL PROFESSION.

Mr. GAVIN SIMONDS, K.C., in proposing "His Majesty's Judges," drew attention to a function of the Bench that seemed to have escaped all the speakers whom he had ever heard propose this toast. The man in the gallery knew nothing and heard nothing of the matters being argued; he had come to look at the judge, and look at him he would for five hours on end. It followed inexorably that one of the functions of His Majesty's judges was to be looked at. If they smiled all present were cheerful; if they frowned all present trembled; all the hours of the day, asleep or awake—or, rather, more awake or less awake—they sat in full view of the world to be looked at.

Mr. Justice EVE, in reply, reciprocated the sentiments of goodwill and confidence with which Mr. Simonds had concluded his toast, and congratulated the Association on its increasing effectiveness and vitality. Its members and those of the Bench and Bar were component parts, he said, of a vast organisation, and were so interlocked that one was indispensable to the others. Managing clerks did not always get the praise they deserved, but the Bench had a very shrewd appreciation of their merits and he welcomed the opportunity of expressing his gratitude and that of his brethren. He warned aspirants to the Chancery Bench that it was no use reconnoitring in Chancery Court No. 1 for any premonitory signs of delirium tremens, dementia præcox, rheumatoid arthritis or senile decay. Although he fulfilled the characteristics of a pauper under the Statute of Elizabeth by being aged, impotent and poor, he was still in the pink. Moreover, recent and well-deserved promotions had enriched the Chancery Bench with three new members who would, he hoped, carry on for many years the great traditions of the courts of equity. Although taxation and trade depression had reduced the volume of the work, there was still enough to keep them going, and the Government was introducing experimental legislation which would undoubtedly provide occupation for lawyers in the near future.

Mr. Justice FINLAY, also replying, said that Mr. Simond's man in the gallery had paid the judge a great tribute by not obstreperously falling asleep, as a spectator had recently done in one of the King's Bench courts to the great consternation of the usher. Cicero's ideal of the function of a judge was to send all the litigants away "*æquos placatosque.*" There had never been a moment in our history when it had been more vital for every member of the profession, from the highest to the most humble, to remember that he was in the realest sense a minister of justice, and to co-operate in its most equable and rigorous administration.

Mr. Justice LUXMOORE, proposing "The Legal Profession," remarked that there was no profession in which the spirit of camaraderie was so active. The traditions of the legal profession had never been better cultivated than they were to-day, and this excellent condition was in large measure due to the activity of the Association in promoting mutual friendship and respect.

Mr. R. M. MONTGOMERY, K.C., replying in the absence of the Attorney-General, said that solicitor's clerks knew their job as no barrister ever knew his, and were at the same time the shrewdest critics of the Bar and its greatest helpers. The profession stood nowadays—not as it used to, between the subject and the Bench—but between the subject and the executive and administrative power, which now opposed a danger to liberty through a stream of enactments and orders. The profession must stand together if it was to gain victory in this conflict.

Major H. L. NATHAN, M.P., speaking as a solicitor, deplored the diminution in the numbers of his profession in the House of Commons. A bill now before the House, the last of a long series of enactments on unemployment, provided that no applicant should be represented by a barrister or solicitor. He was moving an amendment to delete that unjust restriction, which was a good illustration of the need for that vigilance which no one could exercise better than a solicitor. His was the most abused profession in the world; no less an authority than the Lord Privy Seal had denied its members their immortality by referring to them as "these damned lawyers"; Shakespeare had said that a primary aim should be to kill all the lawyers, and Dr. Johnson had remarked: "Sir, I should be loth to speak evil of any man, but I am afraid that he is an attorney." It was therefore necessary that the profession, although they might quarrel among themselves, should unite in public. In spite of their unpopularity they were indispensable to the progress of the community, and the cement of civilisation.

Mr. D. N. PRITT, K.C., proposed the toast of "The Ladies" and Mr. H. B. VAISEY, K.C., replied.

Societies.

United Law Society.

A meeting of the Society was held in the Middle Temple Common Room on Monday, the 25th ult., Mr. E. H. Pearce in the chair. Mr. A. O. Hughes moved: "That this House deplores the decision of the House of Lords in the case of *Hyman* v. *Hyman* [1929] A.C. 601." Mr. S. A. Redfern opposed. There also spoke Messrs. S. E. Redfern and C. C. Ross. The opener having replied, the motion was put to the House and lost by eight votes to two.

A joint debate with the Union Society of London was held on Monday, the 2nd inst., at the Middle Temple Common Room, Mr. H. W. Pritchard in the chair. Mr. D. F. Brundvit (U.S.L.) proposed, and Mr. C. H. Palmer (U.S.L.) seconded, "That this House differs with respect from the views expressed in 'The New Despotism.'" Mr. H. Shanly (U.L.S.) opposed, seconded by Mr. C C. Ross (U.L.S.). There also spoke Messrs. Palmer, Jameson, Ingram, Galbraith, Grobel, A. Ross, Pritchard and Levy. The opener having replied, the motion was carried by ten votes to seven.

Law Students' Debating Society.

At a meeting of the Society held at The Law Society's Hall on Tuesday, the 26th ult. (Chairman, Mr. H. J. Baxter), the subject for debate was: "That this House would welcome the return by Great Britain to the League of Nations of the Palestine Mandate." Mr. H. Shanly opened in the affirmative, Mr. E. F. Iwi opened in the negative. The following members also spoke: Messrs. C. C. Ross, C. F. S. Spurrell, J. C. Christian-Edwards, R. Ives, H. W. Daniels, F. K. Glazebrook, T. M. Jessup, E. G. M. Fletcher, A. Kramer, P. H. North-Lewis, and H. F. C. Morgan. The opener having replied, and the Chairman having summed up, the motion was lost by one vote. There were twenty-one members and five visitors present.

In Parliament

House of Commons.

Questions to Ministers.

DIPLOMATIC SERVICE (MOTOR CARS).

Mr. SMITHERS asked the Secretary of State for Foreign Affairs why all motor cars supplied for the use of His Majesty's Ambassadors and Ministers abroad are not of British make; and will he give the necessary instructions to ensure that where there is a motor car which is not made in Great Britain it shall be replaced by one of British make at the first convenient opportunity?

Mr. A. HENDERSON: It has always been the policy to supply British cars whenever this is practicable, but difficulties with regard to service facilities and the supply of spare parts occasionally render this course impossible. This is also the reason why I must regretfully decline to give any undertaking that in all cases foreign cars shall be replaced by cars of British make. 26th November.

WAR PENSIONS ACT, 1921.

Lieut.-Colonel CLIFTON BROWN asked the Minister of Pensions if he proposes to introduce legislation to repeal s. 5 of the War Pensions Act, 1921?

Mr. ROBERTS: No, sir. The arrangements which I announced in the House on the 18th inst. are, in the Government's view, the preferable method of dealing with the situation. 26th November.

REMANDS IN CUSTODY.

Dr. PETERS asked the Home Secretary whether his attention has been called to cases of prisoners being remanded in custody from week to week without further evidence being given; and whether he will issue a circular to magistrates with regard to this practice?

Mr. CLYNES: I have not observed anything in the practice of the courts in this matter that requires alteration, and I see no occasion for a circular from me. 2nd December.

CINEMATOGRAPH FILMS ACT.

Mr. DAY asked the President of the Board of Trade on how many occasions has his attention been drawn to persons infringing Part I of the Cinematograph Films Act; whether in any specific instances the advisory committee appointed under this Act have advised against prosecution; and in how many cases have prosecutions taken place?

The President of the Board of Trade (Mr. WILLIAM GRAHAM): Apart from minor irregularities discovered in the examination of renters' record books, six specific instances have come to the notice of my Department in which there were grounds for suspicion that an offence had been committed under Part I of the Act. In four cases prosecutions were launched, and in two, further investigation did not reveal grounds for prosecution. The answer to the second part of the question is in the negative. 3rd December.

BANK OF ENGLAND (DIVIDENDS).

Mr. MANDER asked the Chancellor of the Exchequer whether he will consider proposals for limiting the dividends to the shareholders of the Bank of England at their present figure and allowing the surplus to be retained for the purpose of either strengthening the Bank or being paid into the Treasury, and for providing expressly in the inner management of the Bank for co-operation with the Treasury?

Mr. P. SNOWDEN: These and other suggestions will no doubt be brought before the Committee on Finance and Industry and considered by them. 3rd December.

COMPANIES ACT.

Captain A. HUDSON asked the President of the Board of Trade whether he will ask the suitable authorities to devise some process of registration and issue of share certificates under the Companies Act which will make it impossible for a company to issue fraudulent shares bearing identical numbers, thereby duplicating and even triplicating the share issue?

Mr. W. GRAHAM: I shall be happy to consider any practicable proposals which would make impossible the fraudulent practice referred to, but as the hon. and gallant Member is doubtless aware, it is already a felony punishable with penal servitude under the Forgery Act, 1913. 3rd December.

Legal Notes and News.

Honours and Appointments.

Mr. PARK N. STONE, M.A. (Oxon.), solicitor, has been appointed President of the Incorporated Law Society of Liverpool. Mr. Stone, who was admitted in 1893, is a member of the old-established firm of Laces & Co., of Union Court, Liverpool, whose founder, Mr. Joshua Lace, was the first President of the Society in 1827. Mr. Stone served his articles with his father, the late Mr. William Stone, also a past President of the Society. The new Vice-President is Mr. L. S. HOLMES, LL.M., solicitor, whilst Mr. CHARLES W. WRIGHT and Mr. GODFREY E. CASTLE become Hon. Treasurer and Hon. Secretary respectively.

Mr. BUTLER ASPINALL, B.A., K.C., has been elected Treasurer of the Middle Temple for the ensuing year. Mr. Aspinall was called in 1884, took silk in 1899, and was made a Bencher of his Inn in 1907.

Mr. ROBERT BAILIE, solicitor, has been elected President and Mr. JOHN G. WILSON, solicitor, and Mr. ROBERT J. DICKSON, solicitor, have been elected Vice-Presidents of the Incorporated Law Society of Northern Ireland.

It was announced in *The London Gazette* on 29th ult. that Sir WALTER BAKER CLODE, K.C., had been re-appointed President of the Railway Rates Tribunal for a further term of one year.

The King has been pleased to appoint Mr. R. STONEHOUSE BROOMFIELD, Indian Civil Service, to be one of the Judges of the High Court of Judicature at Bombay in the place of Sir C. Gordon Fawcett, who has resigned.

The Right Hon. Sir JOHN SIMON, P.C., K.C., K.C.V.O., M.P., has been elected Reader of the Inner Temple for the Lent Vacation. Sir John Simon was called to the Bar by the Inner Temple in 1899, took silk in 1908, and was elected a Bencher of his Inn in 1910. Since 1927 he has been Chairman of the Indian Commission.

Mr. M. J. L. BEEBEE and Mr. H. G. ROBERTSON, Barristers-at-Law, have been elected Masters of the Bench of the Inner Temple. Mr. Beebee was called in 1895 and Mr. Robertson in 1903.

Professional Announcements.

(2s. per line.)

Messrs. TAMPLIN, JOSEPH, PONSONBY & RYDE and Messrs. E. FLUX, LEADBITTER & NEIGHBOUR have amalgamated their practices as Solicitors as from the 30th November last. The amalgamated practices will be carried on at Ingram House, 165, Fenchurch-street, E.C.3, and 45, Russell-square, W.C.1, under the style of Tamplin, Joseph, Ponsonby, Ryde and Flux, the partners being Mr. Edward Harrow Ryde, Mr. Francis George Joseph, The Hon. Edward Granville Eliot Mr. Aubyn Jack Margary, Mr. Arnold Francis Steele and Mr. Francis Robert Nott. Mr. Richard Dudley Hoyle and Mr. Thomas Frank Neighbour have retired from their respective firms.

Professional Partnership Dissolved.

A. Y. HYLAND, M. W. ROGER and E. RICHARDSON, solicitors, 6, Great St. Helens, London, E.C.3, under the style of Armitage Chapple & Co.; so far as regards M. W. Roger.

Charles Lawson Smith, Alfred Francis Fox and Harold James Sedgwick, solicitors, 1 New-court, Carey-street, W.C.2 (Smiths, Fox and Sedgwick), by mutual consent as from 30th September.

HOME & COLONIAL TRAINING COLLEGE, WOOD GREEN.

We are informed that Messrs. Donaldson & Sons, auctioneers and surveyors, who offered this property for sale by public auction on the 17th July (as announced in THE SOLICITORS' JOURNAL of the 27th April last), have now disposed of it by private treaty to the Tottenham and Edmonton Gas Co., Ltd., for use as their head offices. We gather that the price was in the neighbourhood of £35,000.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

DATE.	EMERGENCY ROTA.	APPEAL COURT No. 1.	MR. JUSTICE EVE.	MR. JUSTICE ROMER.
M'nd'y Dec. 9	Mr. More	Mr. Jolly	Mr. Blaker	Mr. Jolly
Tuesday .. 10	Ritchie	Hicks Beach	Jolly	*Ritchie
Wednesday 11	Andrews	Blaker	Ritchie	Blaker
Thursday . 12	Jolly	More	Blaker	*Jolly
Friday 13	Hicks Beach	Ritchie	Jolly	Ritchie
Saturday .. 14	Blaker	Andrews	Ritchie	Blaker

DATE.	MR. JUSTICE MAUGHAM.	MR. JUSTICE ASTBURY.	MR. JUSTICE CLAUSON.	MR. JUSTICE LUXMOORE.
M'nd'y Dec. 9	Mr. Ritchie	Mr. Andrews	Mr. Hicks Beach	Mr. *More
Tuesday .. 10	*Blaker	More	*Andrews	Hicks Beach
Wednesday 11	*Jolly	Hicks Beach	*More	*Andrews
Thursday . 12	*Ritchie	Andrews	*Hicks Beach	More
Friday 13	*Blaker	More	Andrews	*Hicks Beach
Saturday .. 14	Jolly	Hicks Beach	More	Andrews

*The Registrar will be in Chambers on these days, and also on the days when the Courts are not sitting.

The CHRISTMAS VACATION will commence on Tuesday, the 24th day of December, 1929, and terminate on Monday, the 6th day of January, 1930, inclusive.

VALUATIONS FOR INSURANCE. It is very essential that all Policy Holders should have a detailed valuation of their effects. Property is generally very inadequately insured, and in case of loss insurers suffer accordingly. **DEBENHAM STORR & SONS (LIMITED)**, 26, King Street, Covent Garden, W.C.2, the well-known chattel valuers and auctioneers (established over 100 years), have a staff of expert valuers and will be glad to advise those desiring valuations for any purpose. Jewels, plate, furs, furniture, works of art, bric-a-brac, a speciality.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (21st November, 1929) 5½%. Next London Stock Exchange Settlement Thursday, 19th December, 1929.

	MIDDLE PRICE 4th Dec.	INTEREST YIELD. £ s. d.	YIELD WITH REDEMPTION. £ s. d.
English Government Securities.			
Consols 4% 1957 or after	84	4 15 3	—
Consols 2½%	52⅛	4 15 3	—
War Loan 5% 1929-47	99⅜	5 0 3	—
War Loan 4½% 1925-45	93	4 16 9	5 2 9
War Loan 4% (Tax free) 1929-42	100	4 0 0	4 0 0
Funding 4% Loan 1960-1990	85½	4 13 7	4 14 9
Victory 4% Bonds (available for Estate Duty at par) Average life 35 years	91½	4 7 5	4 9 9
Conversion 4½% Loan 1940-44	94	4 15 9	5 1 6
Conversion 3½% Loan 1961	74¼	4 14 3	—
Local Loans 3% Stock 1912 or after	61½	4 16 0	—
Bank Stock	248½	4 16 7	—
India 4½% 1950-55	84	5 7 2	5 13 9
India 3½%	63	5 11 1	—
India 3%	53	5 13 2	—
Sudan 4½% 1939-73	92	4 17 9	4 19 0
Sudan 4% 1974	83	4 16 5	4 19 0
Transvaal Government 3% 1923-53 (Guaranteed by British Government, Estimated life 15 years)	83	3 12 3	4 2 0
Colonial Securities.			
Canada 3% 1938	85	3 10 7	5 2 0
Cape of Good Hope 4% 1916-36	92	4 7 0	5 7 6
Cape of Good Hope 3½% 1929-49	79	4 8 7	5 4 0
Commonwealth of Australia 5% 1945-75	91	5 9 11	5 10 3
Gold Coast 4½% 1956	91	4 18 11	5 2 6
Jamaica 4½% 1941-71	92	4 17 10	4 19 0
Natal 4% 1937	92	4 7 0	5 7 6
New South Wales 4½% 1935-45	83	5 9 9	6 5 0
New South Wales 4% 1945-65	90	5 11 1	5 12 9
New Zealand 4½% 1945	93	4 16 9	5 3 9
New Zealand 5% 1946	99	5 1 0	5 2 0
Queensland 5% 1940-60	91	5 9 11	5 12 3
South Africa 5% 1945-75	100	5 0 0	5 0 0
South Australia 5% 1945-75	91	5 9 11	5 10 9
Tasmania 5% 1945-75	93	5 7 6	5 8 3
Victoria 5% 1945-75	91	5 9 11	5 10 9
West Australia 5% 1945-75	92	5 8 8	5 9 6
Corporation Stocks.			
Birmingham 3% on or after 1947 or at option of Corporation	60	5 0 0	—
Birmingham 5% 1946-56	100	5 0 0	5 0 0
Cardiff 5% 1945-65	99	5 1 0	5 1 0
Croydon 3% 1940-60	68	4 8 3	5 2 0
Hull 3½% 1925-55	76	4 12 1	5 4 0
Liverpool 3½% Redeemable by agreement with holders or by purchase	70	5 0 0	—
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn.	51	4 18 6	—
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn.	62	4 16 9	—
Manchester 3% on or after 1941	61	4 18 4	—
Metropolitan Water Board 3% 'A' 1963-2003	60	5 0 0	—
Metropolitan Water Board 3% 'B' 1934-2003	63	4 15 3	—
Middlesex C. C. 3½% 1927-47	82	4 5 4	5 1 0
Newcastle 3½% Irredeemable	70	5 0 0	—
Nottingham 3% Irredeemable	60	5 0 0	—
Stockton 5% 1946-66	100	5 0 0	5 0 0
Wolverhampton 5% 1946-56	99	5 1 0	5 1 6
English Railway Prior Charges.			
Gt. Western Rly. 4% Debenture	79	5 1 3	—
Gt. Western Rly. 5% Rent Charge	97	5 3 1	—
Gt. Western Rly. 5% Preference	90	5 11 1	—
L. & N. E. Rly. 4% Debenture	74	5 8 1	—
L. & N. E. Rly. 4% 1st Guaranteed	71⅛	5 11 11	—
L. & N. E. Rly. 4% 1st Preference	64	6 5 0	—
L. Mid. & Scot. Rly. 4% Debenture	77	5 3 11	—
L. Mid. & Scot. Rly. 4% Guaranteed	73	5 9 7	—
L. Mid. & Scot. Rly. 4% Preference	68	5 17 8	—
Southern Railway 4% Debenture	77	5 3 11	—
Southern Railway 5% Guaranteed	95	5 5 3	—
Southern Railway 5% Preference	85	5 17 8	—

WANTED by a firm of London Solicitors an Unadmitted Clerk who has had considerable experience in litigation departments of solicitors' offices and is a customed to following up enquiries and taking statements of witnesses. First-class character absolutely necessary. No applications from persons employed by Private Detective Agencies will be considered.—Apply "X," Box 218, Solicitors' Journal, 29, Breams-buildings, E.C.4.

LONDON SOLICITORS require Admitted or Unadmitted Clerk capable of conducting litigation with slight supervision.—Apply, stating age, experience and salary required, to Alpha, Box 229, Solicitors' Journal, 29, Breams-buildings, E.C.4.

APPOINTMENTS WANTED.

TYPEWRITING, Duplicating, Translations, &c., carefully and promptly executed by the Legal and Commercial Typewriting Company, 226, Strand, W.C.2.

SOLICITOR (24), Public School and Cambridge Graduate, experienced in Common Law and General Practice, desires an appointment with a good London firm. Some capital available in case of possible partnership.—Box 263, Solicitors' Journal, 29 Breams'-buildings, E.C.4.

SOLICITOR, Honours 1928, Managing Clerk of London firm, experienced in conveyancing common law, company, probate and general work, desires similar appointment with prospects, preferably Liverpool. Would undertake advocacy. Good salary.—Apply Box 255, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (over 20 years' practical experience) Conveyancing, Probate, Trust, &c., desires Managing Clerkship. Moderate Practice. View partnership or succession. Good references.—Box 239, Solicitors' Journal, 29 Breams-buildings, E.C.4.

SOLICITOR, LL.B. (London), age 22½, requires position with London firm with opportunities for hard work and general experience. Previous experience, mainly conveyancing and debt collection; willing undertake advocacy; accustomed to act without supervision. Admitted 1928. Salary £250, rising by arrangement.—Apply Box 212, Solicitors' Journal, 29, Breams-buildings, E.C.4.

COSTS PREPARED for taxation and delivery to clients at own or employing solicitor's office on commission or by arrangement. Temporary engagements undertaken. Highest references.—E. Copson, 22, Great James-street, Bedford-row, W.C.1.

SOLICITOR (33), Welsh speaking, now conducting own practice in small provincial town, would consider taking up a salaried appointment in a larger sphere, where a provincial experience of conveyancing and probate work would prove of utility; could arrange to be available at short notice.—Box 195, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (35), Cambridge graduate, desires Managing Clerkship. Good general experience.—Apply "Alpha," Box 320, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (38), desires post as assistant, Conveyancing and general practice. Good references.—Box 160, Solicitors' Journal, 29 Breams-buildings, E.C.4.

EXPERT Shorthand-Typist, own portable machine, open to take work by day, hour or week. Considerable experience in legal work, correspondence and secretarial duties. Well recommended. Moderate charges.—Tel. Sloane 6067.

SOLICITOR, Commissioner for Oaths (over 20 years' experience), practising on own account, desires conveyancing clerkship.—Write Box 54, Solicitors' Journal, 29 Breams-buildings, E.C.4.

SOLICITOR, experienced in Conveyancing, is open to assist solicitors by post.—Box B, 331, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR, 35, Public-school man, requires managing clerkship leading to partnership or succession; London excepted. Now and for the past six years managing clerk in large country practice. Considerable experience in conveyancing, probate, trust, and family work; also litigious matters, costs, etc. work without supervision, interview clients, take sole charge. Admitted 1921. Capital available.—Box 253, Solicitors' Journal, 29, Breams-buildings, E.C.4.

YOUNG SOLICITOR desires Clerkship with a view to partnership. Experienced in litigation, workmen's compensation and company law; good advocate. Small capital at disposal. Excellent references, "C.," Box 558, Solicitors' Journal, 29 Breams-buildings, E.C.4.

SOLICITOR, B.A., LL.B. (Camb.), available for locum work or to assist busy solicitor. South. Conveyancing, probate, trust, and general.—Box 95, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (Irish), aged 36, 14 years' experience, good worker, reliable, desires employment in or near London as Managing Clerk or otherwise. Excellent references. Salary by arrangement. Apply "T," Box 549, Solicitors' Journal, 29, Breams-buildings, E.C.4.

GENTLEMAN, accustomed to committee work and shorthand, with experience in reference work under the Rating and Valuation Act, will be free shortly; good worker; reasonable salary if some prospects.—Apply, in first instance, "R.," Box 55, c/o Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR, public school, with good experience of conveyancing, probate, trusts, etc., with leading firms, requires post as Assistant, accustomed to interview clients. Good references. Salary by arrangement. Box 262, Solicitors' Journal, 29, Breams-buildings, E.C.4.

YOUNG Solicitor (23), November Final, desires post as Assistant Conveyancing and general practice. Trained in busy office.—Write Box 258, Solicitors' Journal, 29 Breams-buildings, E.C.4.

SOLICITOR'S Managing Clerk, unadmitted, wide experience litigation, conveyancing, common law; pleads fresh start any capacity, moderate salary; can furnish guarantee.—Lex, c/o W. W. Jemmett, F.I.S.A., Secretary, Central D.P.A. Society, Victory House, Leicester-square, W.C.2.

PRACTISING Solicitor would consider appointment as assistant where proper facilities would be given for the conduct of his own practice on terms. Experience mostly conveyancing and High Court litigation, some advocacy. London only.—Write "M.," Box 353 Solicitors' Journal, 29, Breams-buildings, E.C.4.

ADMITTED Managing Clerk, general practice large city seven years, two years sole charge, desires engagement owing to amalgamation. Specialities: litigation, advocacy. Athletic, bachelor, and insatiable worker.—"M.P.," Box 459, c/o Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (46), School and University, with 10 years' experience in engineering (workshop and drawing office), 5 years under articles and 5 years in further experience and managerial work prior to his entry into the legal profession, and who has 16 years association with the law, and is at present on his own account in practice as a solicitor, desires a sound administrative appointment with an important undertaking; has a real live mind and is a capable organiser; thoroughly conversant with present-day methods of commercial life and efficient in legal procedure; highest references; principals only.—Box No. 1, Solicitors' Journal, 29, Breams-buildings, E.C.4

SOLICITOR (37), now in practice on own account, small connection, desires managing clerkship in London, with liberty to practise. Salary by arrangement.—"J.," Box 448, Solicitors' Journal, 29, Breams-buildings, E.C.4.

YOUNG Solicitor undertakes drafting accounts, looking up points, etc., for busy solicitors in return for small charge.—"E.," Box 275, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (2nd Class Honours), with over 30 years' continuous experience in conveyancing, trust and probate work, willing to assist Solicitors by post.—"S," Box 312, Solicitors' Journal, 29, Breams-buildings, E.C.4.

EX-OFFICERS AND OTHER RANKS.

THE Proprietors of The Solicitors' Journal have placed this space at the disposal of THE BRITISH LEGION, OFFICERS' ASSOCIATION, EMPLOYMENT BUREAU, 3-4, Clement's Inn, Strand, London, W.C.2 (Telephone: Holborn 5769), to whom all replies should be addressed, quoting number of advertisement, date of insertion and the name of this paper.

SALESMAN, '32, twelve years' experience, six years branch sales manager, wholesale and retail wallpaper. Attractive appearance, personality, organiser, ambitious, hardworker; highest integrity; diploma, Salesmanship Sales Letters; desires position with good prospects, inside or outside. 11314

URGENTLY required, employment by Public School Ex-officer as Rubber Planter. Age 32, married, no children. Can drive car. Healthy and energetic. 11155

LAND AGENT or Assistant.—Advertiser, experienced Estate management, office, farm, woodlands. Estate agency reports, negotiations, leases, rent collections. Estate development, surveying, levelling layouts, roadmaking, drainage, drawings, specifications. Final Surveyor's Institution. 1846.

RETIRED Naval Officer, 32 years' service, seeks employment. Long experience, Secretary and Paymaster, has filled posts requiring careful judgment and involving heavy responsibility; some teaching experience. French University Diploma. Slight knowledge Italian; highest references. 261.

GUNNER CAPTAIN (Ranker) desires post, Steward, Storekeeper or similar post, capable bookkeeper. If Stewardship, wife excellent cook, three years catering manageress large Institute. Preference for North Country to save expense. 1213.

EX-OFFICER, middle-aged, desires employment in motor garage. Twenty-nine years' driving experience, demonstrate, teach driving. Bookkeeping, accounts, etc., or as chauffeur and/or Companion to middle aged gentleman. Undertake secretarial duties. Golf (handicap 12). Dis. 304.

ADMITTED Solicitor, Ex-officer, with small connection, wishes employment at small salary and proportion of costs of work introduced, or office accommodation on mutual terms. 9350.

ARTICLED CLERKS, &c.

OLD-ESTABLISHED firm of solicitors in Midlands have vacancy for a premium articled clerk; good prospects.—Write Box 257, Solicitors' Journal, 29, Breams-buildings, E.C.4.

AN EXCEPTIONAL opportunity occurs for an articled clerk with the sole partner in an established north country firm carrying on a busy general practice with opportunities for experience in every variety of work. Good prospects subsequent to completion of articles. Age 17–18, with Public School training essential. Premium 250 guineas, part returned.—Apply Box 250, Solicitors' Journal, 29, Breams-buildings, E.C.4.

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Saturday, December 7th, 1929.